

# EXHIBIT 5

# **Video Deposition of Stefani Petty**

July 13, 2023

Hendrix v. CRC Insurance Services, Inc., et  
al.

2:21-CV-0300-MHH



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<p>Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 NORTHERN DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5 CASE NUMBER: 2:21-CV-0300-MHH</p> <p>6</p> <p>7 KATHRYN HENDRIX,</p> <p>8 Plaintiff,</p> <p>9 vs.</p> <p>10 CRC INSURANCE SERVICES, INC., TRUIST FINANCIAL</p> <p>11 CORP, and TRUIST BANK,</p> <p>12 Defendants.</p> <p>13</p> <p>14</p> <p>15</p> <p>16 VIDEO DEPOSITION TESTIMONY OF:</p> <p>17 STEFANI PETTY</p> <p>18</p> <p>19</p> <p>20 JULY 13, 2023</p> <p>21 10:03 A.M.</p> <p>22</p> <p>23</p>	<p>Page 3</p> <p>1 offered in evidence, or prior thereto.</p> <p>2 IT IS FURTHER STIPULATED AND AGREED</p> <p>3 that notice of filing of the deposition by the</p> <p>4 Commissioner is waived.</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p>Page 2</p> <p>1 S T I P U L A T I O N</p> <p>2 IT IS STIPULATED AND AGREED by and</p> <p>3 between the parties through their respective</p> <p>4 counsel that the video deposition of STEFANI</p> <p>5 PETTY may be taken before Tanya D. Cornelius,</p> <p>6 RPR, CSR, and Notary Public, via remote</p> <p>7 videoconference in Birmingham, Alabama, on the</p> <p>8 13th day of July, 2023, commencing at</p> <p>9 approximately 10:03 a.m.</p> <p>10 IT IS FURTHER STIPULATED AND AGREED</p> <p>11 that the signature to and the reading of the</p> <p>12 deposition by the witness is NOT waived, the</p> <p>13 deposition to have the same force and effect as</p> <p>14 if full compliance had been had with all laws</p> <p>15 and rules of Court relating to the taking of</p> <p>16 depositions.</p> <p>17 IT IS FURTHER STIPULATED AND AGREED</p> <p>18 that it shall not be necessary for any</p> <p>19 objections to be made by counsel to any</p> <p>20 questions, except as to form or leading</p> <p>21 questions, and that counsel for the parties may</p> <p>22 make objections and assign grounds at the time</p> <p>23 of the trial, or at the time said deposition is</p>	<p>Page 4</p> <p>1 I N D E X</p> <p>2 EXAMINATION BY: PAGE NUMBER</p> <p>3 MS. GILL 10</p> <p>4</p> <p>5 *****</p> <p>6</p> <p>7 EXHIBIT INDEX</p> <p>8 PLAINTIFF'S EXHIBIT NO: PAGE NUMBER</p> <p>9 1 Notice of Deposition 12</p> <p>10 2 Letter 13</p> <p>11 3 E-mail 22</p> <p>12 4 Letter 38</p> <p>13 5 Letter 39</p> <p>14 6 E-mail 40</p> <p>15 7 EEOC Charge 48</p> <p>16 8 (No exhibit marked)</p> <p>17 9 (No exhibit marked)</p> <p>18 10 Handbook Excerpt 58</p> <p>19 11 Handbook Excerpt 63</p> <p>20 12 (No exhibit marked)</p> <p>21 13 (No exhibit marked)</p> <p>22 14 (No exhibit marked)</p> <p>23 15 E-mail 117</p>

<p>Page 5</p> <p>1 EXHIBITS (Continuing)</p> <p>2</p> <p>3</p> <p>4 16 E-mail 115</p> <p>5 17 (No exhibit marked)</p> <p>6 18 (No exhibit marked)</p> <p>7 19 Document 119</p> <p>8 20 Answers to Interrogatories 127</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>Page 7</p> <p>1 APPEARANCES (Continuing)</p> <p>2</p> <p>3 FOR THE DEFENDANTS:</p> <p>4 BAKER, DONELSON, BEARMAN, CALDWELL</p> <p>5 &amp; BERKOWITZ, P.C.</p> <p>6 BY: Rachel Barlotta, Esq.</p> <p>7 Kayla M. Wunderlich, Esq.</p> <p>8 420 North 20th Street, Suite 1400</p> <p>9 Birmingham, Alabama 35203</p> <p>10</p> <p>11 ALSO PRESENT: Kathryn Hendrix</p> <p>12 Christina Bailey</p> <p>13 Ashford Giddens, Videographer</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p>Page 6</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 FOR THE PLAINTIFF:</p> <p>4 BARRETT &amp; FARAHANY</p> <p>5 BY: Patricia A. Gill, Esq.</p> <p>6 2 20th Street North, Suite 900</p> <p>7 Birmingham, Alabama 35203</p> <p>8</p> <p>9</p> <p>10 PALMER LAW, LLC</p> <p>11 BY: Leslie A. Palmer, Esq.</p> <p>12 104 23rd Street South, Suite 100</p> <p>13 Birmingham, Alabama 35233</p> <p>14</p> <p>15</p> <p>16 WILKINSON LAW FIRE, P.C.</p> <p>17 BY: Cynthia Forman Wilkinson, Esq.</p> <p>18 1717 3rd Avenue North, Suite A</p> <p>19 Birmingham, Alabama 35203</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>Page 8</p> <p>1 I, Tanya D. Cornelius, RPR, CSR, and</p> <p>2 Notary Public, acting as Commissioner, certify</p> <p>3 that on this date, as provided by the Federal</p> <p>4 Rules of Civil Procedure, and the foregoing</p> <p>5 stipulation of counsel, there came before me via</p> <p>6 remote videoconference in Birmingham, Alabama,</p> <p>7 beginning at 10:03 a.m., STEFANI PETTY, witness</p> <p>8 in the above cause, for oral examination,</p> <p>9 whereupon the following proceedings were had:</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14 VIDEOGRAPHER: We are now on the</p> <p>15 record. The date is July 13th, 2023. The time</p> <p>16 is 10:03. My name is Ashford Giddens, and the</p> <p>17 court reporter is Tanya Cornelius. We're here on</p> <p>18 behalf of Cite Court Reporting of Montgomery,</p> <p>19 Alabama.</p> <p>20 This is the video deposition of the</p> <p>21 corporate representative of CRC Insurance</p> <p>22 Services, Incorporated, which was noticed by</p> <p>23 Cynthia Wilkinson, for the case Hendrix V. CRC</p>

<p>Page 9</p> <p>1 Insurance Services, Incorporated, et al., in the 2 Circuit Court of the Northern District of 3 Alabama, Southern Division, Case Number 4 2:21-CV-0300-MHH. 5 Counsel, please identify yourselves 6 for the record, starting with the plaintiff. 7 MS. GILL: Hi, I'm Patricia Gill. I 8 represent the plaintiff, Kathryn Hendrix. 9 MS. PALMER: Leslie Palmer for the 10 plaintiff, Kathryn Hendrix, and I am going to be 11 operating off of Tricia's audio. 12 MS. BARLOTTA: Rachel Barlotta for 13 all named defendants. 14 MS. WUNDERLICH: And Kayla Wunderlich 15 for all named defendants. 16 MS. BAILEY: I'm Christina Bailey. 17 I'm in-house counsel for the defendants. 18 VIDEOGRAPHER: Will the court 19 reporter please administer the oath to the 20 witness? 21 STEFANI PETTY, 22 being first duly sworn, was 23 examined and testified as follows:</p>	<p>Page 11</p> <p>1 So if you would like to take a break, you're 2 certainly welcome to ask for one. I would just 3 ask that if there's a question pending, that you 4 answer the question first, and then we take a 5 break; is that fair? 6 <b>A. Yes.</b> 7 Q. And if you can for the record, for 8 the court reporter so that they can transcribe 9 your testimony, say out loud yes or no and not an 10 uh-huh (positive response) or huh-uh (negative 11 response), because it's very difficult to read 12 the transcript after that; is that fair? 13 <b>A. Yes.</b> 14 Q. Are you on any medication that would 15 alter your ability to answer my questions today? 16 <b>A. No.</b> 17 Q. Okay. Ms. Petty, are you aware that 18 you are here pursuant to -- as a Rule 30(b)(6) 19 corporate representative? 20 <b>A. Yes.</b> 21 Q. Okay. And that you are for CRC 22 Insurances -- Insurance Services, Inc.? 23 <b>A. Yes.</b></p>
<p>Page 10</p> <p>1 THE REPORTER: Will this be usual 2 stipulations? 3 MS. GILL: Yes, that's fine. 4 MS. BARLOTTA: We're going to read 5 and sign. 6 7 EXAMINATION 8 BY MS. GILL: 9 Q. Ms. Petty, my name is Patricia Gill. 10 I represent Kathryn Hendrix in the lawsuit that 11 she has filed against CRC and Truist Financial 12 Corp. and Truist Bank. I just have a few 13 questions to ask you today. 14 If you could, please state your name 15 for the record. 16 <b>A. Stefani Petty.</b> 17 Q. And, Ms. Petty, have you ever given a 18 deposition before? 19 <b>A. Yes.</b> 20 Q. Okay. I'm still going to go over 21 some ground rules just to make sure we're on the 22 same page. This is -- obviously, we're being 23 recorded, but it's still an informal proceeding.</p>	<p>Page 12</p> <p>1 Q. Okay. And I would like to show you 2 Plaintiff's Exhibit Number 1. I'm sorry. The 3 computer is connecting. 4 (Whereupon, Plaintiff's Exhibit No. 1 5 was marked for identification and a copy of same 6 is attached hereto.) 7 Q. Have you seen this document before? 8 <b>A. Yes.</b> 9 Q. Okay. And if you'll scroll down 10 Exhibit 1. Have you reviewed the different 11 topics that are suggested for your deposition? 12 <b>A. Yes.</b> 13 Q. What did you do to prepare for your 14 deposition today? 15 <b>A. I discussed with our inside counsel,</b> 16 <b>Christina Bailey, and --</b> 17 Q. Wait, I'm just going to cut you off 18 right there, and I apologize for interrupting 19 you. I'm not asking you for attorney/client 20 privileged communications. So don't tell me the 21 substance of anything you did. I'm just asking 22 you what you did. You can -- 23 <b>A. I consulted with our legal counsel.</b></p>

<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. Thank you. Did you review any</p> <p>2 documents prior to your deposition?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. Okay. And what documents did you</p> <p>5 review?</p> <p>6 <b>A. This document.</b></p> <p>7 Q. Any other documents reviewed prior to</p> <p>8 your deposition?</p> <p>9 <b>A. Not -- well, I mean, I don't know</b></p> <p>10 <b>what you mean by documents. Can you clarify? I</b></p> <p>11 <b>mean, I would need to --</b></p> <p>12 Q. Policies, e-mails, answers to</p> <p>13 discovery, anything that has been produced in</p> <p>14 this case, did you review those records?</p> <p>15 <b>A. I did look at e-mails, my e-mails.</b></p> <p>16 Q. Okay. And did you -- I'm going to --</p> <p>17 let's see. Okay. Sorry about that. I'm going</p> <p>18 to show you what I have marked as Plaintiff's</p> <p>19 Exhibit Number 2.</p> <p>20 (Whereupon, Plaintiff's Exhibit No. 2</p> <p>21 was marked for identification and a copy of same</p> <p>22 is attached hereto.)</p> <p>23 Q. Have you seen this document before?</p>	<p style="text-align: right;">Page 15</p> <p>1 <b>number, but I e-mailed her multiple times and</b></p> <p>2 <b>made a phone call to her.</b></p> <p>3 Q. Okay. Do you have copies of those</p> <p>4 e-mails?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Have they been produced in this case?</p> <p>7 <b>A. Yes, to my knowledge.</b></p> <p>8 Q. And you said you also tried to reach</p> <p>9 out to her by phone, and were you able to speak</p> <p>10 with her on the phone?</p> <p>11 <b>A. No.</b></p> <p>12 Q. The e-mail address that you e-mailed</p> <p>13 her on, was that her work e-mail or her home</p> <p>14 e-mail?</p> <p>15 <b>A. Her personal e-mail.</b></p> <p>16 Q. Do you know whether or not Ms.</p> <p>17 Hendrix was on leave at that time?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Did you contact anyone else at CRC in</p> <p>20 her department to investigate the allegations she</p> <p>21 made in this letter?</p> <p>22 <b>A. I spoke to John Cadden, the office</b></p> <p>23 <b>president, in regards to her leave and her not</b></p>
<p style="text-align: right;">Page 14</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And when did you first see that</p> <p>3 document?</p> <p>4 <b>A. My recollection would be that it was</b></p> <p>5 <b>the same day that the letter was -- this letter</b></p> <p>6 <b>is dated or it was the day after.</b></p> <p>7 Q. Okay. Would it be fair to say that</p> <p>8 the date the letter was received by your office</p> <p>9 is the day you saw it?</p> <p>10 <b>A. Yes.</b></p> <p>11 MS. BARLOTTA: Object to the form.</p> <p>12 Q. Okay. And what did you do when you</p> <p>13 received this letter?</p> <p>14 <b>A. I tried to reach out to Ms. Hendrix.</b></p> <p>15 Q. Okay. And were you successful in</p> <p>16 reaching out to her?</p> <p>17 <b>A. No.</b></p> <p>18 Q. When you were not successful in</p> <p>19 reaching her, what did you do?</p> <p>20 <b>A. I tried to reach her again.</b></p> <p>21 Q. Okay. And how many times would you</p> <p>22 say you tried to reach her?</p> <p>23 <b>A. I would -- I don't recall the exact</b></p>	<p style="text-align: right;">Page 16</p> <p>1 <b>returning from leave and when --</b></p> <p>2 Q. When did that happen?</p> <p>3 <b>A. I don't recall the exact time of</b></p> <p>4 <b>that. It would have been around the time of this</b></p> <p>5 <b>letter.</b></p> <p>6 Q. Would it be when she was seeking to</p> <p>7 extend her leave?</p> <p>8 <b>A. It was around the time of this</b></p> <p>9 <b>letter.</b></p> <p>10 Q. Okay. Do you know what date she went</p> <p>11 on leave?</p> <p>12 <b>A. I do not.</b></p> <p>13 Q. Do you know how long she remained on</p> <p>14 leave after this letter?</p> <p>15 <b>A. She did not return from leave.</b></p> <p>16 Q. Okay. Do you know how long it was --</p> <p>17 and my understanding is in November, she</p> <p>18 resigned. Is that your understanding?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. I'm going to show you what I'm</p> <p>21 marking as Plaintiff's Exhibit -- I'm sorry.</p> <p>22 When you spoke with John Cadden, did you speak to</p> <p>23 him by text message, e-mail, or phone?</p>

<p style="text-align: right;">Page 17</p> <p>1     <b>A. Phone.</b></p> <p>2     Q. And what was said during that</p> <p>3 conversation?</p> <p>4     <b>A. I don't recall the exact specifics,</b></p> <p>5 <b>but it was discussing her not returning from</b></p> <p>6 <b>leave due to this letter.</b></p> <p>7     Q. Did you discuss the allegations</p> <p>8 contained in this letter?</p> <p>9     <b>A. I did ask John about this.</b></p> <p>10    Q. Okay. And what specifically did you</p> <p>11 ask him?</p> <p>12    <b>A. I asked him if he had any awareness.</b></p> <p>13    Q. And what was his response?</p> <p>14    <b>A. He was not aware.</b></p> <p>15    Q. Did you speak with Mr. Helveston</p> <p>16 about the allegations that Ms. Hendrix was making</p> <p>17 in this letter?</p> <p>18       MS. BARLOTTA: Object to form.</p> <p>19    <b>A. I'm sorry. I didn't hear that. Am I</b></p> <p>20 <b>supposed to answer that question?</b></p> <p>21    Q. You are. I asked -- and I can repeat</p> <p>22 the question. That's fine.</p> <p>23    <b>A. Okay.</b></p>	<p style="text-align: right;">Page 19</p> <p>1       MS. BARLOTTA: Same objections.</p> <p>2       THE WITNESS: So am I supposed to</p> <p>3 answer her question?</p> <p>4       MS. BARLOTTA: Not if it involves</p> <p>5 attorney/client directed communication, no, you</p> <p>6 should not answer that.</p> <p>7       THE WITNESS: Okay.</p> <p>8       MS. GILL: And just for the record,</p> <p>9 you are instructing your client not to testify</p> <p>10 about a conversation she had with John Helveston</p> <p>11 when you were not present because it was at your</p> <p>12 direction?</p> <p>13       MS. BARLOTTA: At the direction of</p> <p>14 in-house counsel, because I believe there may</p> <p>15 have been conversation after the EEOC charge was</p> <p>16 filed or perhaps after the lawsuit was filed, and</p> <p>17 those are protected under anticipation of</p> <p>18 litigation and attorney work product.</p> <p>19       MS. GILL: So it's not protected</p> <p>20 under work product. So you're directing her not</p> <p>21 to answer?</p> <p>22       MS. BARLOTTA: If that's what her</p> <p>23 response would involve. She can talk about any</p>
<p style="text-align: right;">Page 18</p> <p>1     Q. Did you speak to Mr. Helveston about</p> <p>2 the allegations Ms. Hendrix made in this letter?</p> <p>3       MS. BARLOTTA: Object to form. And,</p> <p>4 Stefani, you should not -- since there's not a</p> <p>5 timeframe on this, I want to make sure that</p> <p>6 you're not testifying about any conversations you</p> <p>7 would have had with Mr. Helveston at the</p> <p>8 direction of legal counsel.</p> <p>9       MS. GILL: And I would object to</p> <p>10 that, because that -- any conversations she had</p> <p>11 when you weren't present are not attorney/client</p> <p>12 privileged.</p> <p>13       MS. BARLOTTA: It's a different</p> <p>14 privilege. We've talked about this before. It's</p> <p>15 work product, so --</p> <p>16       MS. GILL: Work product relates to</p> <p>17 documents. It does not relate to conversations</p> <p>18 had and it does not protect the facts.</p> <p>19       MS. BARLOTTA: I've stated my</p> <p>20 objection.</p> <p>21     Q. (BY MS. GILL:) So what did you</p> <p>22 discuss, if anything, with John Helveston about</p> <p>23 the allegations of this letter?</p>	<p style="text-align: right;">Page 20</p> <p>1 conversations she had like she testified about</p> <p>2 with Cadden after the receipt of this letter</p> <p>3 before this move to a legal proceeding in which</p> <p>4 counsel got involved.</p> <p>5       MS. GILL: I'm asking her after this</p> <p>6 letter, which is simply a letter from Ms. Hendrix</p> <p>7 where she's making an allegation of differential</p> <p>8 treatment, what did you discuss with Mr.</p> <p>9 Helveston?</p> <p>10       MS. BARLOTTA: I think she's</p> <p>11 testified to this already, that any conversation</p> <p>12 she had with Mr. Helveston would have been after</p> <p>13 -- would have been after this turned into a legal</p> <p>14 proceeding, and they're going to be covered under</p> <p>15 one or more privileges.</p> <p>16       MS. GILL: Okay, she didn't testify.</p> <p>17 You said that. If she's going to say that --</p> <p>18       MS. BARLOTTA: Well, she asked --</p> <p>19 okay. That's what she said, I mean, when I asked</p> <p>20 her if that was what it was, and she said yes, so</p> <p>21 she's not -- then I said then you can't testify</p> <p>22 about that.</p> <p>23       MS. GILL: She didn't say yes. She</p>

<p style="text-align: right;">Page 21</p> <p>1 said can I testify to that to you, and you told</p> <p>2 her no. So I am asking her right now.</p> <p>3 Q. (BY MS. GILL:) Any conversations you</p> <p>4 had with John Helveston, were they at the</p> <p>5 direction of counsel?</p> <p>6 <b>A. So let me clarify who you're speaking</b></p> <p>7 <b>about, because are you talking about John Cadden</b></p> <p>8 <b>or are you talking about Ron Helveston?</b></p> <p>9 Q. I'm sorry. Ron Helveston.</p> <p>10 <b>A. I did not.</b></p> <p>11 Q. You did not have any conversations</p> <p>12 with him?</p> <p>13 <b>A. Not before the legal matter started,</b></p> <p>14 <b>and it was turned over to our legal group.</b></p> <p>15 Q. So you did have conversations with</p> <p>16 him after the legal matter started?</p> <p>17 <b>A. One conversation.</b></p> <p>18 MS. GILL: And my understanding is</p> <p>19 that you are asserting the work product privilege</p> <p>20 as a reason to not testify to the contents of</p> <p>21 that conversation?</p> <p>22 MS. BARLOTTA: We are asserting that,</p> <p>23 those privileges that I've already explained.</p>	<p style="text-align: right;">Page 23</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And in this letter, the second</p> <p>3 paragraph, this is a duty to maintain, retain,</p> <p>4 and protect and not destroy all documents. Do</p> <p>5 you see that?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. After receiving this letter, did you</p> <p>8 take any steps to maintain, preserve, retain,</p> <p>9 protect, and not destroy any and all documents,</p> <p>10 data, electronic and hard copy, that were related</p> <p>11 to Ms. Hendrix's claims?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. You did?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. What steps did you take?</p> <p>16 <b>A. I was placed under a litigation hold,</b></p> <p>17 <b>and I remained compliant with our litigation</b></p> <p>18 <b>hold.</b></p> <p>19 Q. What does a litigation hold do?</p> <p>20 <b>A. It advises you that you have to</b></p> <p>21 <b>maintain all documents and information related to</b></p> <p>22 <b>this matter.</b></p> <p>23 Q. Is that just like a flag on anything</p>
<p style="text-align: right;">Page 22</p> <p>1 MS. GILL: I'm asking you are you</p> <p>2 instructing her not to answer based on that</p> <p>3 privilege?</p> <p>4 MS. BARLOTTA: That is a different</p> <p>5 question, and yes, we are instructing her not to</p> <p>6 answer based upon those privileges.</p> <p>7 MS. GILL: We will take that up with</p> <p>8 the Court. All right.</p> <p>9 Q. (BY MS. GILL:) Let me show you what</p> <p>10 I've marked as Plaintiff's Exhibit Number 3.</p> <p>11 (Whereupon, Plaintiff's Exhibit No. 3</p> <p>12 was marked for identification and a copy of same</p> <p>13 is attached hereto.)</p> <p>14 Q. And just the first question: Is that</p> <p>15 your e-mail address at the top where it says it's</p> <p>16 sent to?</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. Okay. Did you receive this e-mail</p> <p>19 from Ms. Palmer?</p> <p>20 <b>A. Yes, it appears so.</b></p> <p>21 Q. Okay. And if you can scroll up.</p> <p>22 Attached to that e-mail was this letter. Did you</p> <p>23 receive that?</p>	<p style="text-align: right;">Page 24</p> <p>1 related to Kathryn Hendrix?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. And how is the flag or the hold</p> <p>4 communicated to employees of BB&amp;T and CRC?</p> <p>5 <b>A. It's a corporate e-mail received.</b></p> <p>6 Q. Is that corporate e-mail sent just to</p> <p>7 you or is it sent to all employees of BB&amp;T and</p> <p>8 CRC?</p> <p>9 <b>A. It's sent to whoever is under the</b></p> <p>10 <b>litigation hold.</b></p> <p>11 Q. Do you know who was under the</p> <p>12 litigation hold in this case?</p> <p>13 <b>A. I can't speak to the exact names, but</b></p> <p>14 <b>it should be the ones that were involved in the</b></p> <p>15 <b>matter.</b></p> <p>16 Q. For example, do you know whether or</p> <p>17 not Corey Daugherty received the e-mail from</p> <p>18 corporate litigation hold?</p> <p>19 <b>A. My assumption would be yes, but I</b></p> <p>20 <b>didn't see that e-mail.</b></p> <p>21 Q. Would it be fair to say you don't</p> <p>22 know one way or the other?</p> <p>23 <b>A. Yes.</b></p>



<p style="text-align: right;">Page 25</p> <p>1 Q. In this letter, Ms. Hendrix through 2 her attorney asserts additional claims of unfair 3 treatment of women. What did you do to 4 investigate that?</p> <p>5 <b>A. Upon receipt of this letter, it was 6 provided to our legal group.</b></p> <p>7 Q. Was the first letter that was 8 Plaintiff's Exhibit Number 2 provided to the 9 legal group?</p> <p>10 <b>A. I don't recall what was Item Number 11 2. Was that the letter she originally sent? 12 Yes.</b></p> <p>13 Q. Was that provided to legal at the 14 time it was received?</p> <p>15 <b>A. I don't recall the exact timeframe 16 that was sent to legal.</b></p> <p>17 Q. Could it have been after you received 18 the letter from Palmer Legal Services?</p> <p>19 MS. BARLOTTA: Object to form. 20 You can answer, Stefani. I'm just 21 objecting to the form of the question.</p> <p>22 Q. She's just preserving the record.</p> <p>23 <b>A. Okay.</b></p>	<p style="text-align: right;">Page 27</p> <p>1 THE WITNESS: Do I still answer that?</p> <p>2 MS. BARLOTTA: You can answer about 3 the timeframe of the question.</p> <p>4 I also want to clarify, too, we are 5 asserting attorney/client privilege, because if 6 she's acting as a representative of counsel, then 7 that does fall under attorney/client privileged 8 communications.</p> <p>9 MS. GILL: And we don't agree with 10 that assessment. If an attorney is not there 11 advising them legally and is talking about the 12 facts of the case, it is not protected by the 13 privilege, and that goes for work product as 14 well. But that's okay. We'll address that with 15 the Court later on.</p> <p>16 Q. (BY MS. GILL:) My question to you 17 is: You testified earlier that the conversation 18 with Mr. Helveston was at the direction of an 19 attorney. So would it be fair to say that that 20 conversation occurred after you received this 21 letter from Ms. Palmer?</p> <p>22 <b>A. I'm still not quite sure I understand 23 your exact question.</b></p>
<p style="text-align: right;">Page 26</p> <p>1 MS. BARLOTTA: If you understand the 2 question, you can answer it.</p> <p>3 <b>A. Can you repeat the question?</b></p> <p>4 Q. Is it possible it was forwarded at 5 the same time you received the letter from Palmer 6 Legal Services?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. That is possible, because prior to 9 that, it was not a legal matter.</b></p> <p>10 Q. So prior to Ms. Palmer providing you 11 this letter, it was not a legal matter. Would it 12 be fair to say that your conversation with Ron 13 Helveston did not occur until after this letter?</p> <p>14 <b>A. Can you repeat the question, please?</b></p> <p>15 Q. Earlier you testified that you had a 16 conversation with Mr. Helveston at the direction 17 of either in-house counsel or legal counsel, and 18 your attorney objected based on work product and 19 anticipation of litigation.</p> <p>20 Did that -- would it be fair to say 21 that conversation occurred after you received 22 this letter from Ms. Palmer?</p> <p>23 MS. BARLOTTA: Object to form.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. You testified it became a legal 2 matter when you received the letter from Ms. 3 Palmer. Is that true?</p> <p>4 MS. BARLOTTA: Object to the form. 5 She testified she handed it to legal. I don't 6 think she testified that she classified it one 7 way or the other.</p> <p>8 MS. GILL: She did testify to that a 9 minute ago. I'm just making sure that that is -- 10 if she is standing by her prior testimony.</p> <p>11 MS. BARLOTTA: No, I think you've 12 misrepresented the testimony. I talked about it 13 being a legal matter, therefore the privileges 14 became involved. I don't think she characterized 15 it as one way or the other.</p> <p>16 MS. GILL: That's not accurate. She 17 testified that when she received this letter, it 18 became a legal matter. So my question to her, to 19 Ms. Petty is, when you received --</p> <p>20 Q. (BY MS. GILL:) Is that true, when 21 you received this letter from the attorney, did 22 the issue suddenly become a legal matter?</p> <p>23 MS. BARLOTTA: Object to form, and</p>

<p style="text-align: right;">Page 29</p> <p>1 move to strike counsel's testimony.</p> <p>2 Q. You can answer the question.</p> <p>3 <b>A. I'm sorry. Can you repeat? Did you</b></p> <p>4 <b>say answer the question or --</b></p> <p>5 Q. Yes. You can always answer the</p> <p>6 question when she objects. She's just preserving</p> <p>7 the issue for the record. The only time you</p> <p>8 don't answer is when she instructs you not to.</p> <p>9 So my question to you is: Upon</p> <p>10 receipt of this letter from Ms. Hendrix's lawyer,</p> <p>11 Leslie Palmer, did the allegations become a legal</p> <p>12 matter?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 That's a different question.</p> <p>15 Q. You can answer.</p> <p>16 MS. BARLOTTA: That calls for a legal</p> <p>17 conclusion.</p> <p>18 Q. You can answer.</p> <p>19 <b>A. I sent the letter --</b></p> <p>20 THE REPORTER: I'm sorry. I didn't</p> <p>21 hear you.</p> <p>22 Q. (BY MS. GILL:) Ms. Petty, you can</p> <p>23 answer.</p>	<p style="text-align: right;">Page 31</p> <p>1 <b>A. It was after this letter.</b></p> <p>2 Q. Thank you. In your conversation with</p> <p>3 Mr. Helveston, did you discuss the allegations of</p> <p>4 Ms. Hendrix?</p> <p>5 MS. BARLOTTA: She's already -- we've</p> <p>6 already instructed her not to answer about the</p> <p>7 contents of her discussion with Mr. Helveston.</p> <p>8 MS. GILL: Okay.</p> <p>9 Q. (BY MS. GILL:) Was your</p> <p>10 conversation --</p> <p>11 MS. BARLOTTA: It was at the</p> <p>12 direction of counsel.</p> <p>13 MS. GILL: I understand, and we're</p> <p>14 going to take that up with the Court. I'm asking</p> <p>15 about the facts, not about what counsel's mental</p> <p>16 operations or legal strategy or instructions to</p> <p>17 the client. I'm not asking any of those things.</p> <p>18 I'm asking about the facts of the case.</p> <p>19 Q. (BY MS. GILL:) What did you do to</p> <p>20 investigate the allegations of Ms. Hendrix?</p> <p>21 MS. BARLOTTA: You can answer that</p> <p>22 question.</p> <p>23 <b>A. Based on the information that I had,</b></p>
<p style="text-align: right;">Page 30</p> <p>1 <b>A. I sent the letter to our legal group</b></p> <p>2 <b>upon receipt.</b></p> <p>3 Q. So at that point, you considered it a</p> <p>4 legal matter?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 Q. You can answer.</p> <p>7 MS. BARLOTTA: You're asking her --</p> <p>8 you're just asking her personal opinion. This is</p> <p>9 not part of her 30(b)(6) testimony.</p> <p>10 MS. GILL: I'm asking her when BB&amp;T</p> <p>11 or Truist or CRC determined it was a legal matter</p> <p>12 and they needed to provide this to their</p> <p>13 attorney.</p> <p>14 MS. BARLOTTA: That's outside the</p> <p>15 scope of the 30(b)(6), so she's testifying as a</p> <p>16 fact witness at this point, and it will just be</p> <p>17 based on her personal knowledge.</p> <p>18 MS. GILL: She's already testified --</p> <p>19 I'll move on. She's already answered it</p> <p>20 previously, but anyway.</p> <p>21 Q. (BY MS. GILL:) So the conversation</p> <p>22 with Mr. Helveston, was it after this letter or</p> <p>23 before this letter?</p>	<p style="text-align: right;">Page 32</p> <p>1 <b>I was unable to -- I didn't have enough</b></p> <p>2 <b>information based off of what she sent to me, and</b></p> <p>3 <b>she did not respond to me, so I never had a</b></p> <p>4 <b>conversation with her.</b></p> <p>5 <b>We received the legal letter, and it</b></p> <p>6 <b>was turned over to legal, and then I assisted our</b></p> <p>7 <b>legal group with gathering the information</b></p> <p>8 <b>regarding that situation.</b></p> <p>9 Q. Okay. So the legal group conducted</p> <p>10 the investigation?</p> <p>11 <b>A. I'm not speaking on behalf of the</b></p> <p>12 <b>legal group, but my part in it was I did help to</b></p> <p>13 <b>gather information to provide to our legal group.</b></p> <p>14 Q. What information did you gather?</p> <p>15 THE WITNESS: Do I answer that?</p> <p>16 MS. BARLOTTA: You can answer in</p> <p>17 terms of any documents without -- that you</p> <p>18 provided to counsel, company records you provided</p> <p>19 to counsel, to in-house counsel, but you</p> <p>20 shouldn't be talking about anything that would</p> <p>21 involve substantive communications with you and</p> <p>22 counsel, for instance, counsel directed you to do</p> <p>23 X, Y, and Z, or counsel directed you to gather</p>

<p>Page 33</p> <p>1 certain things. Nothing that's going to involve</p> <p>2 the direction of in-house counsel.</p> <p>3 MS. GILL: And we don't agree with</p> <p>4 that. If you're going to -- if you're going to</p> <p>5 rely upon the defense of good faith efforts in,</p> <p>6 you know, conducting an investigation, you know,</p> <p>7 those are factual questions, asking her what she</p> <p>8 did, who she interviewed, what did those</p> <p>9 witnesses say to her. I think all of that is</p> <p>10 relevant, and I think it all comes in, and I</p> <p>11 think it's not protected by --</p> <p>12 MS. BARLOTTA: Well, if I get to ask</p> <p>13 you who are all the people that you interviewed</p> <p>14 and what are all the documents you gathered in</p> <p>15 response to this letter. I'm not allowed to ask</p> <p>16 your witness that. She's going to testify --</p> <p>17 MS. GILL: That's different.</p> <p>18 MS. BARLOTTA: No, it's not</p> <p>19 different. It's exactly the same.</p> <p>20 MS. GILL: It is different. I'm not</p> <p>21 asking her --</p> <p>22 MS. BARLOTTA: And the company has</p> <p>23 counsel that was responding to legal allegations,</p>	<p>Page 35</p> <p>1 you told her to do, but that's okay. We'll take</p> <p>2 it up with the Court. We'll move on.</p> <p>3 You certainly would be able to ask if</p> <p>4 my client talked to John Smith and what was said,</p> <p>5 and that's all I'm doing. I'm not asking who</p> <p>6 directed you to do it. I'm asking what did you</p> <p>7 do, which is very different.</p> <p>8 MS. BARLOTTA: Well, she --</p> <p>9 Q. (BY MS. GILL:) What did you do --</p> <p>10 MS. BARLOTTA: She's already</p> <p>11 testified that the conversations were at the</p> <p>12 direction of counsel, so if counsel told her what</p> <p>13 to ask, then, again, that's all going to be</p> <p>14 privileged. Attorney/client and work product</p> <p>15 privilege.</p> <p>16 MS. GILL: We don't agree.</p> <p>17 Q. (BY MS. GILL:) What did you do to</p> <p>18 investigate --</p> <p>19 MS. BARLOTTA: I understand you don't</p> <p>20 agree, but if you want to keep arguing about it,</p> <p>21 we can keep arguing about it or we can just move</p> <p>22 on.</p> <p>23 Q. What did --</p>
<p>Page 34</p> <p>1 so if they direct their employees to go gather</p> <p>2 certain documents and have certain conversations,</p> <p>3 that's all privileged in the same way it's</p> <p>4 privileged with respect to what you and your</p> <p>5 client did in drafting this letter.</p> <p>6 MS. GILL: I'm not asking her</p> <p>7 anything the attorneys said to her. I'm not</p> <p>8 asking for the attorney's mental operations. I'm</p> <p>9 not asking for documents prepared like charts and</p> <p>10 things like that in anticipation of litigation.</p> <p>11 So we do not agree, and we will address this with</p> <p>12 the Court.</p> <p>13 MS. BARLOTTA: Okay.</p> <p>14 MS. GILL: Are you instructing her</p> <p>15 not to answer as to any conversations she had</p> <p>16 with any witnesses?</p> <p>17 MS. BARLOTTA: Yeah, she's not</p> <p>18 allowed to talk about what she did at the</p> <p>19 direction of counsel, again, like you're not</p> <p>20 going to let me ask your client about everything</p> <p>21 you directed her to do. So it's the same thing.</p> <p>22 It's no different.</p> <p>23 MS. GILL: I'm not asking her what</p>	<p>Page 36</p> <p>1 MS. GILL: I'm moving on.</p> <p>2 Q. (BY MS. GILL:) What did you do --</p> <p>3 what did you actively, actively physically do to</p> <p>4 investigate the claim?</p> <p>5 MS. BARLOTTA: She's already answered</p> <p>6 that question.</p> <p>7 Q. You can answer.</p> <p>8 MS. BARLOTTA: Asked and answered.</p> <p>9 Stefani, you can just testify to what</p> <p>10 you've already testified to.</p> <p>11 <b>A. I've already testified.</b></p> <p>12 Q. And what was that testimony? I</p> <p>13 missed it somehow through all the arguing.</p> <p>14 <b>A. Upon receipt of the letter, I turned</b></p> <p>15 <b>the letter over to our legal group, and then at</b></p> <p>16 <b>the direction of our legal group, I assisted in</b></p> <p>17 <b>gathering information needed for the</b></p> <p>18 <b>investigation.</b></p> <p>19 MS. GILL: And just so the record is</p> <p>20 clean, you're instructing her not to answer any</p> <p>21 questions about what information she did receive</p> <p>22 during the investigation; is that true?</p> <p>23 MS. BARLOTTA: Yes, again, because</p>

<p style="text-align: right;">Page 37</p> <p>1 it's information obtained --</p> <p>2 MS. GILL: All you've got to say is</p> <p>3 yes. All you've got to say is yes.</p> <p>4 MS. BARLOTTA: No. I'm going to make</p> <p>5 my objections and state my responses. You don't</p> <p>6 get to limit what I say.</p> <p>7 So yes, she's been instructed not to</p> <p>8 answer, because she's already testified that what</p> <p>9 she did was at the direction of counsel in</p> <p>10 response to a legal demand from --</p> <p>11 MS. GILL: Okay.</p> <p>12 MS. BARLOTTA: So attorney/client,</p> <p>13 work product, and anticipation of litigation</p> <p>14 privileges all apply.</p> <p>15 MS. GILL: Okay. So you're</p> <p>16 instructing her not to answer. Thank you. We'll</p> <p>17 move on.</p> <p>18 We're going to take a break for a</p> <p>19 second if that's okay.</p> <p>20 MS. BARLOTTA: Sure.</p> <p>21 VIDEOGRAPHER: We are going off the</p> <p>22 record. The time is 10:37.</p> <p>23 (Whereupon, a brief recess was</p>	<p style="text-align: right;">Page 39</p> <p>1 <b>A. Yes. I mean, if that was the day. I</b></p> <p>2 <b>don't recall the exact date of when we received</b></p> <p>3 <b>the letter.</b></p> <p>4 Q. Okay. So it might have been a day or</p> <p>5 two after, but whenever the letter came to you,</p> <p>6 is that when it began?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. When I received the letter, I turned</b></p> <p>9 <b>it over to our legal department.</b></p> <p>10 Q. Okay. And if you'll -- we can go</p> <p>11 back to Plaintiff's Exhibit Number 3. If you'll</p> <p>12 go back to the first page. It's an e-mail</p> <p>13 attaching a letter, it says October 10th. Do you</p> <p>14 agree with that when you received the letter?</p> <p>15 <b>A. Yes, I agree that's when I received</b></p> <p>16 <b>this e-mail.</b></p> <p>17 Q. Let me show you what's marked as</p> <p>18 Plaintiff's Exhibit Number 5.</p> <p>19 (Whereupon, Plaintiff's Exhibit No. 5</p> <p>20 was marked for identification and a copy of same</p> <p>21 is attached hereto.)</p> <p>22 Q. Have you seen that letter?</p> <p>23 <b>A. I'm -- I'm not sure if I've seen this</b></p>
<p style="text-align: right;">Page 38</p> <p>1 taken.)</p> <p>2 VIDEOGRAPHER: We are back on the</p> <p>3 record. The time is 10:52.</p> <p>4 MS. GILL: She's pulling up what we</p> <p>5 have marked as Plaintiff's Exhibit Number 4.</p> <p>6 Are we back on the record?</p> <p>7 VIDEOGRAPHER: We are.</p> <p>8 MS. GILL: Okay.</p> <p>9 (Whereupon, Plaintiff's Exhibit No. 4</p> <p>10 was marked for identification and a copy of same</p> <p>11 is attached hereto.)</p> <p>12 Q. (BY MS. GILL:) Have you seen this</p> <p>13 document before, Ms. Petty?</p> <p>14 <b>A. Yes, I believe so.</b></p> <p>15 Q. Okay. And without asking what was</p> <p>16 said between you and the attorney, Ms. Thomas, is</p> <p>17 Ms. Thomas who you worked with to assist in the</p> <p>18 investigation?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Okay. And would it be fair to say</p> <p>21 that the investigation began after receipt of the</p> <p>22 October 8th, 2019 letter?</p> <p>23 MS. BARLOTTA: Object to form.</p>	<p style="text-align: right;">Page 40</p> <p>1 <b>letter.</b></p> <p>2 Q. Okay. In that letter -- I'm just</p> <p>3 going to ask you about one thing it says. It</p> <p>4 says that CRC is not interested in the severance</p> <p>5 proposal outlined in your letter.</p> <p>6 Did CRC consider Ms. Hendrix as being</p> <p>7 resigned at that point or not?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 <b>A. I'm not sure I understand your</b></p> <p>10 <b>question when you say at that point.</b></p> <p>11 Q. As of November 14th, was Ms. Hendrix</p> <p>12 still employed by CRC and on leave?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Okay. Let me show you what's being</p> <p>15 marked as Plaintiff's Exhibit Number 6.</p> <p>16 (Whereupon, Plaintiff's Exhibit No. 6</p> <p>17 was marked for identification and a copy of same</p> <p>18 is attached hereto.)</p> <p>19 Q. Have you seen this document? It's an</p> <p>20 e-mail and attached letter -- (audio</p> <p>21 interference).</p> <p>22 THE REPORTER: I'm sorry, Patricia.</p> <p>23 Could you repeat that?</p>

<p style="text-align: right;">Page 41</p> <p>1 MS. GILL: It's an e-mail that</p> <p>2 attaches a letter of resignation and an EEOC</p> <p>3 charge. I'm asking her if she saw that.</p> <p>4 <b>A. Is there -- you're asking me if I</b></p> <p>5 <b>received that, her resignation?</b></p> <p>6 Q. (BY MS. GILL:) Yes, ma'am.</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. Okay. In her letter about midway</p> <p>9 through the first paragraph, she says, No one has</p> <p>10 contacted me or my attorney concerning any</p> <p>11 investigation, no new policies have been</p> <p>12 implemented, and the conduct continues. Do you</p> <p>13 see that?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Did -- to your understanding, did</p> <p>16 anyone at CRC or BB&amp;T or Truist contact Ms.</p> <p>17 Palmer or Ms. Hendrix to conduct the</p> <p>18 investigation?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 <b>A. I reached out to Ms. Hendrix multiple</b></p> <p>21 <b>times as soon as we received her initial letter.</b></p> <p>22 Q. Okay. Did anybody reach out to Ms.</p> <p>23 Hendrix after you received the October 8th</p>	<p style="text-align: right;">Page 43</p> <p>1 Q. After the October 8th -- 10th e-mail,</p> <p>2 did anybody reach out to her?</p> <p>3 MS. BARLOTTA: I think that's --</p> <p>4 okay. That's the problem with the question, but</p> <p>5 it's fine.</p> <p>6 Do you understand the question,</p> <p>7 Stefani?</p> <p>8 THE WITNESS: I don't. I'm just</p> <p>9 trying to make sure I --</p> <p>10 Q. (BY MS. GILL:) Did you or anybody at</p> <p>11 CRC, BB&amp;T, or Truist contact Ms. Hendrix or her</p> <p>12 attorney, Leslie Palmer, after receipt of the</p> <p>13 October 10th letter?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 <b>A. I reached out to her initially from</b></p> <p>16 <b>her first letter.</b></p> <p>17 Q. I understand --</p> <p>18 <b>A. She did not respond.</b></p> <p>19 Q. -- you testified --</p> <p>20 <b>A. I can't speak -- can I answer?</b></p> <p>21 Q. Yeah. I would like you to answer the</p> <p>22 question I asked, not if you reached out to her</p> <p>23 after the September letter, because you've</p>
<p style="text-align: right;">Page 42</p> <p>1 letter?</p> <p>2 <b>A. I don't recall --</b></p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 <b>A. -- the October 8th.</b></p> <p>5 Q. I'm sorry. I guess it was an e-mail</p> <p>6 October 10th that contained a letter.</p> <p>7 <b>A. And what is your question?</b></p> <p>8 Q. Did anyone contact either Ms. Palmer</p> <p>9 or Ms. Hendrix to investigate what her -- the</p> <p>10 extent of her allegations?</p> <p>11 MS. BARLOTTA: Object to the form.</p> <p>12 Asked and answered.</p> <p>13 Q. Was there an answer? I didn't hear</p> <p>14 the answer. I'm sorry. Can you repeat that?</p> <p>15 <b>A. I reached out to Ms. Hendrix upon</b></p> <p>16 <b>receipt of her initial letter.</b></p> <p>17 Q. Yes. My question -- and my question</p> <p>18 is: Did anybody reach out to her after receiving</p> <p>19 the October 10th e-mail that contained the letter</p> <p>20 from her attorney? Did anybody reach out to her</p> <p>21 or her attorney at that point?</p> <p>22 MS. BARLOTTA: You're asking if</p> <p>23 anyone reached out to her for a second time?</p>	<p style="text-align: right;">Page 44</p> <p>1 already answered that.</p> <p>2 I'm asking if you or anybody at BB&amp;T,</p> <p>3 Truist, or CRC reached out to her after the</p> <p>4 October 10th letter, her or her attorney.</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 <b>A. I can only speak for myself. I did</b></p> <p>7 <b>not reach out to her after the letter from her</b></p> <p>8 <b>attorney.</b></p> <p>9 Q. Okay. Do you have any information or</p> <p>10 knowledge that anyone at CRC, Truist, or BB&amp;T</p> <p>11 reached out to Ms. Palmer after receipt of that</p> <p>12 letter to assist in the investigation?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 THE REPORTER: I can't hear her.</p> <p>15 Q. We can't hear you.</p> <p>16 <b>A. I think we looked at the e-mail.</b></p> <p>17 THE REPORTER: She's breaking up.</p> <p>18 MS. GILL: She's breaking up, yeah.</p> <p>19 THE WITNESS: Can you hear me?</p> <p>20 MS. GILL: We cannot hear her.</p> <p>21 THE WITNESS: Can you hear me now?</p> <p>22 MS. GILL: She's frozen. I think if</p> <p>23 that was Ms. Petty that said, Can you hear me</p>

<p style="text-align: right;">Page 45</p> <p>1 now, we can hear you, but we can't see you moving</p> <p>2 or anything.</p> <p>3 THE REPORTER: Do you want to go off</p> <p>4 the record? We lost her.</p> <p>5 VIDEOGRAPHER: Do you want to go off</p> <p>6 the record?</p> <p>7 MS. GILL: Yeah, we might as well</p> <p>8 until she gets back on.</p> <p>9 VIDEOGRAPHER: We're going off the</p> <p>10 record the time is 11:04.</p> <p>11 (Whereupon, a brief recess was</p> <p>12 taken.)</p> <p>13 VIDEOGRAPHER: We're back on the</p> <p>14 record. The time is 11:10 a.m. Central.</p> <p>15 Q. (BY MS. GILL:) Can you hear me, Ms.</p> <p>16 Petty? Can you hear me, Ms. Petty?</p> <p>17 (Whereupon, a discussion off the</p> <p>18 record was held.)</p> <p>19 Q. (BY MS. GILL:) Before your computer</p> <p>20 froze and we had to take a little break, we were</p> <p>21 talking about Plaintiff's Exhibit Number 6, and</p> <p>22 you mentioned you did receive the resignation</p> <p>23 letter; is that correct?</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. Okay.</p> <p>2 A. I would --</p> <p>3 Q. I guess my question is: In this</p> <p>4 e-mail to legal counsel, Ms. Palmer says, Ms.</p> <p>5 Hendrix forwarded these documents to Ms. Petty</p> <p>6 earlier this morning.</p> <p>7 My question to you is: Did you</p> <p>8 receive the resignation letter and the EEOC</p> <p>9 charge from Ms. Hendrix?</p> <p>10 A. I received her resignation notice. I</p> <p>11 just don't recall if that was attached to the --</p> <p>12 (audio interference.)</p> <p>13 THE REPORTER: I'm sorry. You're</p> <p>14 going to have to speak up. Attached to the what?</p> <p>15 THE WITNESS: E-mail.</p> <p>16 Q. (BY MS. GILL:) Did you see Ms.</p> <p>17 Hendrix's EEOC charge at that time or did you see</p> <p>18 it after it was filed?</p> <p>19 A. I don't remember the exact date that</p> <p>20 I saw her EEOC charge.</p> <p>21 Q. Okay. Let me show you Plaintiff's</p> <p>22 Exhibit Number 7.</p> <p>23</p>
<p style="text-align: right;">Page 46</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. I received her --</p> <p>3 Q. The resignation letter from Kat?</p> <p>4 A. I received her resignation letter,</p> <p>5 yes.</p> <p>6 Q. Did Ms. Hendrix attach her proposed</p> <p>7 charge of discrimination to the resignation</p> <p>8 letter?</p> <p>9 A. I would need to see the e-mail. I</p> <p>10 don't recall.</p> <p>11 Q. Okay. Let me ask you this: Did you</p> <p>12 receive the e-mail -- her resignation letter by</p> <p>13 e-mail or by U.S. mail?</p> <p>14 A. I received it by e-mail.</p> <p>15 Q. Okay. But you don't recall if the</p> <p>16 charge was attached to it or not?</p> <p>17 A. I would just want to see the e-mail</p> <p>18 to review that.</p> <p>19 Q. Okay. You can scroll up. The e-mail</p> <p>20 I have is to Ms. Thomas. So my -- did Ms. -- did</p> <p>21 Kathryn Hendrix send you her resignation letter?</p> <p>22 A. I received notice she was resigning</p> <p>23 from her --</p>	<p style="text-align: right;">Page 48</p> <p>1 (Whereupon, Plaintiff's Exhibit No. 7</p> <p>2 was marked for identification and a copy of same</p> <p>3 is attached hereto.)</p> <p>4 Q. Have you seen this document before?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And after you received this</p> <p>7 charge or saw this charge, what did CRC do to</p> <p>8 investigate?</p> <p>9 A. Upon receipt of the letter from her</p> <p>10 attorney, it was turned over to our legal group.</p> <p>11 Q. Okay. And did you participate in the</p> <p>12 investigation into the allegations of this</p> <p>13 charge?</p> <p>14 A. I assisted our legal group with</p> <p>15 gathering information.</p> <p>16 Q. Okay. And what did you do -- what</p> <p>17 information did you gather?</p> <p>18 MS. BARLOTTA: We're not going to --</p> <p>19 we just already tread on this ground, Trish. I</p> <p>20 don't know why you're going back over it.</p> <p>21 She's not going to answer questions</p> <p>22 about what legal counsel directed her to do after</p> <p>23 we got a demand letter from the plaintiff who's</p>



<p>Page 49</p> <p>1 represented by counsel asking for money.</p> <p>2 This is all anticipation of</p> <p>3 litigation and protected under attorney/client</p> <p>4 and attorney work product privileges.</p> <p>5 MS. GILL: Are you going to dismiss</p> <p>6 any Faragher defense?</p> <p>7 MS. BARLOTTA: Well, she doesn't have</p> <p>8 a sexual harassment claim, does she?</p> <p>9 MS. GILL: Are you going to dismiss</p> <p>10 any good faith defense?</p> <p>11 MS. BARLOTTA: I think you</p> <p>12 misunderstand good faith. It's not the same</p> <p>13 thing as Faragher.</p> <p>14 I'm not aware of there being a</p> <p>15 hostile work environment claim in this case. If</p> <p>16 there is, then perhaps we do have a Faragher</p> <p>17 defense, but it's not going to be based upon what</p> <p>18 we consider to be privileged information.</p> <p>19 MS. GILL: If you'll give me one</p> <p>20 second. Are you going to contest punitive</p> <p>21 damages?</p> <p>22 MS. BARLOTTA: Yes.</p> <p>23 MS. GILL: Okay. So -- and just so</p>	<p>Page 51</p> <p>1 already testified to, which she is going to</p> <p>2 testify to, is about the efforts that were made</p> <p>3 in response to Ms. Hendrix's first letter before</p> <p>4 she retained counsel.</p> <p>5 MS. GILL: Okay.</p> <p>6 MS. BARLOTTA: And made legal</p> <p>7 demands.</p> <p>8 MS. GILL: Okay. I think we're going</p> <p>9 to have to address this issue with the judge to</p> <p>10 the extent that a human resource witness is</p> <p>11 having conversations with other witnesses about</p> <p>12 the allegations and investigating the claims,</p> <p>13 because we don't believe that's protected under</p> <p>14 attorney/client privilege, work product, or</p> <p>15 anticipation -- it's a fact -- we're trying to</p> <p>16 discover facts, not documents prepared in</p> <p>17 anticipation of litigation or documents --</p> <p>18 MS. BARLOTTA: You can -- and, Trish,</p> <p>19 you can discover facts, right? You can talk to</p> <p>20 -- you can depose Mr. Helveston about what he</p> <p>21 knows concerning, you know, what happened with</p> <p>22 Ms. Hendrix's employment and Mr. Daugherty, and</p> <p>23 all the people who work with Ms. Hendrix who have</p>
<p>Page 50</p> <p>1 I'm clear, you're going to instruct your witness,</p> <p>2 the 30(b)(6) corporate representative, not to</p> <p>3 testify about any facts related to any</p> <p>4 investigation into the allegations made by</p> <p>5 Kathryn Hendrix?</p> <p>6 MS. BARLOTTA: Well, let me be clear.</p> <p>7 She has testified already about the efforts that</p> <p>8 she made in response to the initial letter from</p> <p>9 Ms. Hendrix to get an understanding of her</p> <p>10 allegations.</p> <p>11 After this became a legal matter,</p> <p>12 after Ms. Hendrix hired counsel, made a demand,</p> <p>13 obviously we are in anticipation of litigation at</p> <p>14 that point, if not full-blown litigation. And</p> <p>15 her EEOC charge was presented to the company in</p> <p>16 the same way, coming from her counsel.</p> <p>17 So anything in response to that is</p> <p>18 going to be privileged, and she's not going to be</p> <p>19 allowed to testify about that.</p> <p>20 MS. GILL: Okay. And so you're</p> <p>21 instructing her not to answer on those issues</p> <p>22 based on those privileges?</p> <p>23 MS. BARLOTTA: Right. But as she's</p>	<p>Page 52</p> <p>1 knowledge about her pay, which is her primary</p> <p>2 claim in this case, and her working environment</p> <p>3 there.</p> <p>4 So you've got plenty of witnesses at</p> <p>5 your disposal to obtain facts without having to</p> <p>6 subvert the attorney/client and work product</p> <p>7 privileges.</p> <p>8 MS. GILL: But statements that he</p> <p>9 would have made to HR are --</p> <p>10 MS. BARLOTTA: There's no claim in</p> <p>11 this case about what legal did or did not do.</p> <p>12 All the information, factual information you need</p> <p>13 pertaining to your client's claims you can get.</p> <p>14 But trying to use -- but trying to</p> <p>15 get at what the in-house counsel did, it's not</p> <p>16 appropriate.</p> <p>17 MS. GILL: I am not trying to get</p> <p>18 what in-house counsel did. I'm trying to get</p> <p>19 what facts were revealed in her investigation.</p> <p>20 That's the purpose of discovery.</p> <p>21 MS. BARLOTTA: Well, I don't get --</p> <p>22 just like I can't go look in your files, you</p> <p>23 can't look in ours. That's how it works.</p>

<p>Page 53</p> <p>1 MS. GILL: I'm not asking to look in  2 your file.  3 MS. BARLOTTA: Well, you are. And if  4 I were to ask you who you talked to in your  5 investigation of Ms. Hendrix's allegations when  6 she came to you and what you did when you drafted  7 that letter, you would say I'm not entitled to  8 that. You're not entitled --  9 MS. GILL: You wouldn't be  10 entitled --  11 MS. BARLOTTA: Excuse me. Just --  12 excuse me. Just like you're not entitled to find  13 out what Truist in-house counsel did and who they  14 directed their employees to talk to so they could  15 respond to the letter. It's not --  16 MS. GILL: I wasn't asking who they  17 directed. I'm asking what she did. And you  18 would be entitled to ask my client who she spoke  19 with about the case. Not us, but if she spoke to  20 Mr. Helveston, you would be able to get all that.  21 MS. BARLOTTA: Ms. Petty has already  22 talked to -- already said who she talked to. You  23 asked her if she talked to Mr. Helveston, and</p>	<p>Page 55</p> <p>1 would instruct her not to testify about that.  2 It's the same thing.  3 Instead of going and asking the  4 witnesses about what they know, what you're  5 trying to do is shortcut, short-circuit this and  6 get into Truist in-house counsel's files. You  7 can't do that.  8 MS. GILL: I'm not trying to do that.  9 She's a fact witness.  10 MS. BARLOTTA: Let's just move on.  11 MS. GILL: A 30(b)(6) witness.  12 MS. BARLOTTA: We are wasting time.  13 We're not going to agree. You're going to have  14 to go get an order from Judge Haikala that we  15 have to reveal to you conversations --  16 MS. GILL: It's not a process of --  17 MS. BARLOTTA: -- with in-house  18 counsel in the process of this investigation  19 after Ms. Hendrix retained counsel.  20 MS. GILL: Well, my understanding of  21 the law is that you have to file for a protective  22 order, and you haven't done that in this case.  23 MS. BARLOTTA: No, no, I don't. No.</p>
<p>Page 54</p> <p>1 she's testified to that.  2 MS. GILL: But you would be able to  3 ask what she discussed with Mr. Helveston.  4 MS. BARLOTTA: Right, because she  5 already testified that that discussion happened  6 at the direction of counsel.  7 MS. GILL: No, no, no. I'm saying if  8 my client went and spoke to Mr. Helveston, you  9 would be able to ask her, Did you speak to Mr.  10 Helveston and what was said? There's no  11 difference here.  12 MS. BARLOTTA: Yeah, it is different.  13 MS. GILL: I'm asking --  14 MS. BARLOTTA: If I asked your  15 client --  16 MS. GILL: -- discussion past  17 discovery.  18 MS. BARLOTTA: -- what did you do in  19 response to your attorney's request when you came  20 to their office and they said you wanted them to  21 represent you, and they said, Here's what you  22 need to go get, you would not let me ask -- you  23 would not let me ask her about that, and you</p>	<p>Page 56</p> <p>1 You are so far outside the 30(b)(6), you need to  2 be compelled. There's nothing in the 30(b)(6)  3 that says that we're going to talk about  4 privileged information or what in-house counsel  5 did.  6 MS. GILL: I'm not asking for  7 privileged information or what in-house counsel  8 did. I've never asked that question.  9 MS. BARLOTTA: Well, you're wrong.  10 MS. GILL: I think we need to call  11 the Court. If you'll give me a second, I'm going  12 to look up the phone number, and we can call the  13 judge. I'll be right back.  14 THE REPORTER: Do you want to go off  15 the record, Trish?  16 MS. GILL: I think we should stay on  17 the record with the phone call with the judge.  18 MS. BARLOTTA: We should finish the  19 deposition. And the judge is going to want to  20 know at the end of it what all we were able to  21 resolve and what we weren't.  22 To stop it at this point when you've  23 already said that we would take this up with the</p>



<p>Page 57</p> <p>1 judge and then you keep bringing it up, and then</p> <p>2 you're trying to interrupt the judge in the</p> <p>3 middle of the day to get an answer on the spot</p> <p>4 is, I think, not a wise move.</p> <p>5 You need to finish the deposition,</p> <p>6 get your questions answered that you have, and we</p> <p>7 can take this up with the judge at a later time.</p> <p>8 But we've got a witness sitting here on the Zoom.</p> <p>9 MS. GILL: I think we need to resolve</p> <p>10 this, because she's from out of town, and if</p> <p>11 we're going to have to come back --</p> <p>12 MS. BARLOTTA: She's virtual. You</p> <p>13 can take her deposition again virtually at</p> <p>14 another time.</p> <p>15 MS. GILL: I think we would like to</p> <p>16 get advice from the judge at this point. So</p> <p>17 we're going to call the docket clerk real quick.</p> <p>18 (Phone call made.)</p> <p>19 MS. PALMER: I'm trying to get to</p> <p>20 Judge Haikala's law chambers, please. Yes,</p> <p>21 ma'am, we are in a deposition right now, and</p> <p>22 we'll need the Court's instruction on an issue in</p> <p>23 the deposition.</p>	<p>Page 59</p> <p>1 MS. GILL: We're skipping 8 and 9 for</p> <p>2 the record.</p> <p>3 MS. PALMER: Sorry, Tanya, I had them</p> <p>4 premarked.</p> <p>5 MS. GILL: They were premarked.</p> <p>6 Sorry.</p> <p>7 THE REPORTER: It's okay.</p> <p>8 Q. (BY MS. GILL:) Have you seen this</p> <p>9 document?</p> <p>10 <b>A. I'm not exactly sure what this is</b></p> <p>11 <b>from. Is this --</b></p> <p>12 Q. I'll represent to you that CRC</p> <p>13 provided it to us in discovery as a policy and</p> <p>14 procedure.</p> <p>15 <b>A. Okay.</b></p> <p>16 MS. BARLOTTA: I think it's from the</p> <p>17 handbook, is it not?</p> <p>18 MS. GILL: It is. I just didn't want</p> <p>19 to produce all hundred and seventy something</p> <p>20 pages, so I took an excerpt.</p> <p>21 Q. (BY MS. GILL:) Have you seen this?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Okay. And in this policy, it says we</p>
<p>Page 58</p> <p>1 Hi, this is Attorney Leslie Palmer.</p> <p>2 I'm calling about Case Number 2:21-CV-300 with</p> <p>3 Judge Haikala. We were wondering if we could get</p> <p>4 Judge Haikala on the phone about a deposition</p> <p>5 dispute that we're having. My phone number is</p> <p>6 (205) 285-3050. And, again, it's Case Number</p> <p>7 2:21-CV-00 -- 300. It is 11:28 on Thursday, July</p> <p>8 the 13th. Thank you very much, bye-bye.</p> <p>9 MS. GILL: So Leslie has left a</p> <p>10 message. Nobody is answering right now, so we'll</p> <p>11 just keep going, and we will address that when</p> <p>12 the call comes back.</p> <p>13 All right. Is everybody ready? I</p> <p>14 think we're still on the record.</p> <p>15 THE REPORTER: Yes.</p> <p>16 VIDEOGRAPHER: You are still on the</p> <p>17 record.</p> <p>18 Q. (BY MS. GILL:) Okay. Let me show</p> <p>19 you what I've marked as Plaintiff's Exhibit</p> <p>20 Number 10.</p> <p>21 (Whereupon, Plaintiff's Exhibit No.</p> <p>22 10 was marked for identification and a copy of</p> <p>23 same is attached hereto.)</p>	<p>Page 60</p> <p>1 -- at the top it says -- hang on. Sorry. It's</p> <p>2 at the bottom is where I need to go.</p> <p>3 The equal opportunity provision of</p> <p>4 the handbook, it says that BB&amp;T is committed to</p> <p>5 equal opportunity for all associates and</p> <p>6 applicants, and they will not discriminate on the</p> <p>7 basis of color, religion, national origin, and</p> <p>8 gender.</p> <p>9 I guess my question to you is: Is a</p> <p>10 BB&amp;T policy handbook applicable to CRC as well</p> <p>11 and their employees?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. And so what did BB&amp;T, Truist, or CRC</p> <p>14 do to ensure equal opportunity for all employees?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 <b>A. So can you clarify what you mean by</b></p> <p>17 <b>that specifically?</b></p> <p>18 Q. Well, this policy says that BB&amp;T is</p> <p>19 committed to equal opportunity for all associates</p> <p>20 and applicants, and that they will not</p> <p>21 discriminate against applicants or associates on</p> <p>22 the basis of gender.</p> <p>23 What did BB&amp;T, CRC, or Truist, or --</p>

<p>Page 61</p> <p>1 what did they do to ensure that there was no 2 discrimination on the basis of gender? 3 MS. BARLOTTA: Object to form. 4 <b>A. So, I mean, we provide training</b> 5 <b>around that. We provide -- we have policies. We</b> 6 <b>have the handbook. I'm still, I guess, just not</b> 7 <b>exactly sure what you mean by that.</b> 8 Q. And those are the kinds of things I'm 9 looking for. In terms of the training, what 10 training did you provide to the employees of CRC 11 as it relates to gender discrimination? 12 <b>A. So all employees receive training</b> 13 <b>around our code of ethics and workplace</b> 14 <b>harassment training. Those are annual trainings</b> 15 <b>that they take, and --</b> 16 Q. Okay. 17 <b>A. -- they have to --</b> 18 Q. I'm sorry. I was just saying okay. 19 Did you have more to say? 20 <b>A. No.</b> 21 Q. Okay. Did you train on treating 22 people differently on the basis of gender, not 23 just harassment, but like equal opportunities and</p>	<p>Page 63</p> <p>1 relating to the manager training has been 2 produced in this case? 3 MS. BARLOTTA: Object to form. 4 <b>A. I don't know exactly what's been</b> 5 <b>presented, but, I mean, I've stated that I know</b> 6 <b>we take the annual training courses.</b> 7 Q. Is anyone messaging you during this 8 testimony? 9 <b>A. No.</b> 10 Q. Okay. Let me show you what's being 11 marked as Plaintiff's 11. 12 (Whereupon, Plaintiff's Exhibit No. 13 11 was marked for identification and a copy of 14 same is attached hereto.) 15 Q. Have you seen this document before? 16 <b>A. Can you make it a little bit bigger?</b> 17 <b>Is that possible?</b> 18 Q. Yeah. 19 <b>A. Yes.</b> 20 Q. Is this a different handbook or the 21 same handbook of Plaintiff's Exhibit Number 10? 22 <b>A. I don't recall if it's the same or</b> 23 <b>different.</b></p>
<p>Page 62</p> <p>1 pay? 2 MS. BARLOTTA: Object to form. 3 <b>A. Yes, those things are part of that.</b> 4 Q. It's contained in the training? 5 <b>A. Yes, there's discussion.</b> 6 Q. Did the managers or supervisors have 7 training on making sure females and males are 8 receiving equal pay for like duties? 9 MS. BARLOTTA: Object to form. 10 <b>A. The managers all had to take the</b> 11 <b>courses as well, the trainings that were</b> 12 <b>provided.</b> 13 Q. Was the managers' training the same 14 as the employees' training? 15 MS. BARLOTTA: Object to form. 16 <b>A. The courses that were taken annually</b> 17 <b>were distributed to everyone. There is specific</b> 18 <b>--</b> 19 Q. Okay. There is specific what? 20 <b>A. There is specific courses and</b> 21 <b>trainings that go to managers specifically as</b> 22 <b>well.</b> 23 Q. Do you know whether documentation</p>	<p>Page 64</p> <p>1 Q. At the bottom it says 2019. Would 2 that -- 3 <b>A. I can't tell just by this. I would</b> 4 <b>have to see the --</b> 5 Q. Okay. I'm going to shift some gears 6 a little bit and talk about some other areas of 7 law until we can get a response from the judge on 8 those other issues. 9 Let me ask you this: Does HR 10 participate in determining the salaries and 11 bonuses for employees? 12 <b>A. HR does not -- (audio interference).</b> 13 Q. Okay. And would that -- 14 THE REPORTER: I'm sorry. I didn't 15 hear that. 16 THE WITNESS: And it was just an echo 17 on my end. Can you hear me? 18 THE REPORTER: So your answer was: 19 HR does not. Was that your full answer? 20 <b>A. HR does not specifically determine</b> 21 <b>the pay, but there are guidelines around that.</b> 22 Q. (BY MS. GILL:) And where are those 23 guidelines kept?</p>

<p>Page 65</p> <p>1 MS. BARLOTTA: I'm just going to</p> <p>2 interject. Mr. Daugherty was designated on all</p> <p>3 pay issues concerning this case. So this is --</p> <p>4 Ms. Petty's deposition is outside of that just</p> <p>5 based upon personal knowledge, not as 30(b)(6).</p> <p>6 MS. GILL: What I was asking her is</p> <p>7 HR -- if they participated, and she said</p> <p>8 guidelines were kept.</p> <p>9 Q. (BY MS. GILL:) So let me ask you</p> <p>10 this: Does HR keep the guidelines?</p> <p>11 MS. BARLOTTA: Object to form. And,</p> <p>12 again, this is her testimony. With respect to</p> <p>13 all pay issues identified in the 30(b)(6), Mr.</p> <p>14 Daugherty was designated.</p> <p>15 Q. Are you designated -- are you an HR</p> <p>16 representative at CRC?</p> <p>17 <b>A. Are you asking me now or then or --</b></p> <p>18 Q. Yeah. At the time -- well, were you</p> <p>19 in HR --</p> <p>20 <b>A. Yes, I was at the time. Yes, I was.</b></p> <p>21 Q. Are you in HR now?</p> <p>22 <b>A. I work on HR stuff for insurance.</b></p> <p>23 Q. Okay. Are you at CRC or Truist or</p>	<p>Page 67</p> <p>1 <b>structure.</b></p> <p>2 Q. Right. I'm just trying to confirm.</p> <p>3 HR had nothing to do with that?</p> <p>4 <b>A. Right. Their pay is based off of the</b></p> <p>5 <b>insurance broker structure.</b></p> <p>6 Q. Gotcha. Did BB&amp;T or Truist, whoever</p> <p>7 it was at the time when Ms. Hendrix was there,</p> <p>8 did they review annually the pay structures of</p> <p>9 the insurance brokers?</p> <p>10 <b>A. I'm not sure what you mean by review</b></p> <p>11 <b>annually.</b></p> <p>12 Q. Did you -- each year when pay and</p> <p>13 bonuses were being suggested, were you -- did you</p> <p>14 review those decisions made by CRC brokers?</p> <p>15 MS. BARLOTTA: And, again, this is</p> <p>16 going to be based upon Ms. Petty's personal</p> <p>17 knowledge. Mr. Daugherty was already designated</p> <p>18 on all pay topics, so you're not going to come</p> <p>19 back and revisit those topics and try to get</p> <p>20 different answers from a different corporate</p> <p>21 representative.</p> <p>22 MS. GILL: That's fine.</p> <p>23 MS. BARLOTTA: She's testifying about</p>
<p>Page 66</p> <p>1 BB&amp;T anymore?</p> <p>2 <b>A. I'm at Truist Insurance Holdings.</b></p> <p>3 Q. Okay. So does HR maintain those pay</p> <p>4 guidelines?</p> <p>5 <b>A. So pay with regards to how pay would</b></p> <p>6 <b>have been determined, that would have been with</b></p> <p>7 <b>the business, how they determined the pay.</b></p> <p>8 <b>Guidelines that I think probably I'm</b></p> <p>9 <b>referring to as far as salary and things like</b></p> <p>10 <b>that, that was on the bank side, not the</b></p> <p>11 <b>insurance side.</b></p> <p>12 Q. Okay. So the guidelines, was that --</p> <p>13 are you talking about like a salary range?</p> <p>14 <b>A. It's not the same in the insurance.</b></p> <p>15 Q. Okay. So the pay would be completely</p> <p>16 up to CRC how it's -- the base salary is set and</p> <p>17 what bonuses are given would be completely up to</p> <p>18 CRC?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Okay. And HR had no input</p> <p>21 whatsoever?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 <b>A. Pay is based on the insurance</b></p>	<p>Page 68</p> <p>1 these issues from her personal knowledge as a</p> <p>2 fact witness to the extent that she has personal</p> <p>3 knowledge of them.</p> <p>4 MS. GILL: That's fine.</p> <p>5 Q. (BY MS. GILL:) Did you -- did HR</p> <p>6 review the pay structure as it relates -- after</p> <p>7 the CRC insurance brokers created them?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 <b>A. I did not.</b></p> <p>10 Q. Okay. Do you know if anybody in your</p> <p>11 department did?</p> <p>12 <b>A. I can't -- I can't answer that.</b></p> <p>13 Q. Okay. When you received the letters</p> <p>14 from Ms. Palmer and the EEOC charge, did CRC take</p> <p>15 steps to preserve the contents of Ms. Hendrix's</p> <p>16 computer and cellphone?</p> <p>17 MS. BARLOTTA: Object to the form.</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. What steps did y'all take?</p> <p>20 <b>A. As I explained earlier, I'm under --</b></p> <p>21 <b>we're under -- I'm under a litigation hold</b></p> <p>22 <b>related to that.</b></p> <p>23 Q. Okay. I mean, did you physically</p>

<p style="text-align: right;">Page 69</p> <p>1 confiscate the computer and phone to make sure</p> <p>2 nobody tampered with it?</p> <p>3 <b>A. I did not.</b></p> <p>4 Q. Okay.</p> <p>5 <b>A. But --</b></p> <p>6 Q. So would it be fair to say the only</p> <p>7 affirmative step taken was to place it on a</p> <p>8 litigation hold?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 <b>A. I'm not sure what you're meaning by</b></p> <p>11 <b>that.</b></p> <p>12 Q. Do you or anyone at CRC, Truist, or</p> <p>13 BB&amp;T take steps to preserve e-mails, documents</p> <p>14 created by Ms. Hendrix, anything related to this</p> <p>15 lawsuit that were contained on Ms. Hendrix's</p> <p>16 computer or cellphone?</p> <p>17 MS. BARLOTTA: Object to form again.</p> <p>18 <b>A. We --</b></p> <p>19 MS. BARLOTTA: Again, Trish, I</p> <p>20 testified -- e-mailed about this earlier. The</p> <p>21 testimony that she's giving in a corporate</p> <p>22 representative capacity is about the current</p> <p>23 location of the laptop.</p>	<p style="text-align: right;">Page 71</p> <p>1 protective order on this issue?</p> <p>2 MS. BARLOTTA: We already talked</p> <p>3 about that, Trish, that we agreed that we would</p> <p>4 take the depositions, and anything that was</p> <p>5 unresolved, we would take up with the Court</p> <p>6 afterwards in order to save time so we could get</p> <p>7 the case moving given that we have a discovery</p> <p>8 deadline in about fifteen days.</p> <p>9 MS. GILL: I think that --</p> <p>10 MS. BARLOTTA: I have the e-mails if</p> <p>11 you don't remember that.</p> <p>12 MS. GILL: We did not waive any</p> <p>13 requirement to file a protective order, just for</p> <p>14 the record, but --</p> <p>15 MS. BARLOTTA: I'm not saying that.</p> <p>16 What we agreed about was the timing, that we</p> <p>17 would not file a protective order on the front</p> <p>18 end so we could go ahead and get Mr. Daugherty's</p> <p>19 deposition and Ms. Petty's deposition taken.</p> <p>20 MS. GILL: And I know I left the meet</p> <p>21 and confer. I don't know if that's what we</p> <p>22 agreed to or not.</p> <p>23 MS. BARLOTTA: I sent an e-mail</p>
<p style="text-align: right;">Page 70</p> <p>1 She's not going to testify about the</p> <p>2 phone, and if she did, it's based upon her</p> <p>3 personal knowledge as a fact witness, not as a</p> <p>4 CRC or corporate representative.</p> <p>5 MS. GILL: And that's fine.</p> <p>6 Q. (BY MS. GILL:) Do you know where her</p> <p>7 computer and cellphone are?</p> <p>8 <b>A. We have -- we do have those.</b></p> <p>9 Q. You do? Okay. Did you conduct a</p> <p>10 search on her computer or her cellphone to</p> <p>11 determine if anything was related to the request</p> <p>12 for production in this case?</p> <p>13 MS. BARLOTTA: She's not testifying</p> <p>14 about that. Don't answer that question.</p> <p>15 MS. GILL: She already said she</p> <p>16 didn't know, so is there going to be a corporate</p> <p>17 representative that has information related to</p> <p>18 this?</p> <p>19 MS. BARLOTTA: No. We only agreed to</p> <p>20 testify -- was to put somebody up to testify</p> <p>21 about the location of the laptop. As I said in</p> <p>22 my e-mail, she's prepared to testify about that.</p> <p>23 MS. GILL: Okay. Did you file a</p>	<p style="text-align: right;">Page 72</p> <p>1 confirming that, and you all said that yes, it</p> <p>2 was your understanding that we were going to go</p> <p>3 ahead and proceed with the depositions without</p> <p>4 waiting for the defendant to file a protective</p> <p>5 order.</p> <p>6 MS. GILL: We're still allowed to ask</p> <p>7 the questions, though.</p> <p>8 MS. BARLOTTA: Well, but I'm telling</p> <p>9 you --</p> <p>10 MS. GILL: If she's going to be</p> <p>11 excluded, that's another issue.</p> <p>12 MS. BARLOTTA: Again, and your</p> <p>13 30(b)(6) doesn't have anything in there about her</p> <p>14 phone. She's prepared to testify, and what we</p> <p>15 agreed to was that we would put somebody up to</p> <p>16 testify about the location of the laptop.</p> <p>17 MS. GILL: Well, we're not</p> <p>18 specifically confined --</p> <p>19 MS. BARLOTTA: You already know we're</p> <p>20 not testifying -- again, we think it's an</p> <p>21 infringement of attorney/client privilege for you</p> <p>22 all to start asking witnesses about what searches</p> <p>23 we've done for evidence in the case.</p>

<p style="text-align: right;">Page 73</p> <p>1 MS. GILL: And I don't agree with</p> <p>2 that as well. I guess when the judge calls us</p> <p>3 back, we can address that as well.</p> <p>4 If I recall at the hearing, Judge</p> <p>5 Haikala wanted us to take these depositions to</p> <p>6 determine what -- where the documentation is and</p> <p>7 how we would revise our discovery requests to get</p> <p>8 those records.</p> <p>9 MS. BARLOTTA: I would love it if we</p> <p>10 could get to those questions, but that's not what</p> <p>11 you're asking. We still don't have an</p> <p>12 understanding of what documents it is that you</p> <p>13 think that you need or want that haven't been</p> <p>14 produced or what they are that are relevant to</p> <p>15 this case that haven't been turned over or</p> <p>16 produced.</p> <p>17 MS. GILL: I think that we had a</p> <p>18 five-hour meet and confer that we went through</p> <p>19 and told you what documents we were requesting.</p> <p>20 MS. BARLOTTA: Okay.</p> <p>21 MS. GILL: We'll get into those</p> <p>22 questions about that right now.</p> <p>23 MS. BARLOTTA: You're supposed to be</p>	<p style="text-align: right;">Page 75</p> <p>1 informal verbal complaint of discrimination to HR</p> <p>2 in this case?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 <b>A. I was notified by Kathryn's initial</b></p> <p>5 <b>letter that she was sent.</b></p> <p>6 Q. Do you know what e-mail program CRC</p> <p>7 uses?</p> <p>8 MS. BARLOTTA: Corey already</p> <p>9 testified about this.</p> <p>10 MS. GILL: Well, I was going to -- he</p> <p>11 didn't know what level plan, so I was going to</p> <p>12 ask her what level plan.</p> <p>13 MS. BARLOTTA: You can ask her if she</p> <p>14 knows, but --</p> <p>15 MS. GILL: Okay.</p> <p>16 MS. BARLOTTA: (Audio interference.)</p> <p>17 THE REPORTER: I'm sorry. I didn't</p> <p>18 understand, Rachel. You said what?</p> <p>19 MS. BARLOTTA: I said you can ask her</p> <p>20 of her personal standpoint if she knows, yes.</p> <p>21 Q. (BY MS. GILL:) Do you know -- my</p> <p>22 understanding is they use Outlook. Do you know</p> <p>23 what level plan they use for Outlook?</p>
<p style="text-align: right;">Page 74</p> <p>1 getting testimony about comparators.</p> <p>2 MS. GILL: Can we take a break? Just</p> <p>3 one second. We need to go off the record.</p> <p>4 VIDEOGRAPHER: We are off the record.</p> <p>5 The time is 11:49.</p> <p>6 (Whereupon, a brief recess was</p> <p>7 taken.)</p> <p>8 VIDEOGRAPHER: We are back on the</p> <p>9 record. The time is 12:05.</p> <p>10 Q. (BY MS. GILL:) Ms. Petty, when</p> <p>11 either Helveston or Mr. Daugherty or Mr. Cadden</p> <p>12 received an informal verbal complaint of</p> <p>13 discrimination, are they required to report that</p> <p>14 to HR?</p> <p>15 <b>A. Yes.</b></p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 Q. Do you know if that happened in this</p> <p>18 case?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 THE WITNESS: What was the question</p> <p>21 that she asked?</p> <p>22 Q. (BY MS. GILL:) Do you know if</p> <p>23 Helveston, Cadden, or Daugherty reported an</p>	<p style="text-align: right;">Page 76</p> <p>1 <b>A. I do not know.</b></p> <p>2 Q. Do you know who has control over</p> <p>3 setting up groups on Outlook?</p> <p>4 <b>A. On Outlook, no, I do not know.</b></p> <p>5 Q. Like, I think there was some</p> <p>6 testimony previously about Birmingham</p> <p>7 Professional being a group of specific people.</p> <p>8 Do you know who set that up and who determines</p> <p>9 who is in those groups?</p> <p>10 <b>A. I do not know.</b></p> <p>11 Q. Do you know whether data is</p> <p>12 maintained on a server or on the cloud?</p> <p>13 <b>A. I do not know.</b></p> <p>14 Q. Do you know -- well, does HR do any</p> <p>15 training on the appropriate use of e-mail?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 <b>A. I don't exactly know what you mean by</b></p> <p>18 <b>that.</b></p> <p>19 Q. Is there any portion of the training</p> <p>20 that relates to what e-mail can be used for and</p> <p>21 what it cannot be used for?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 <b>A. Yes, yes.</b></p>

<p>Page 77</p> <p>1 Q. Okay. What training do employees 2 receive on that issue?</p> <p>3 <b>A. There would be information in the 4 handbook or a policy. I can't recall right off 5 the top of my head where that was located, but 6 there's just language around proper use.</b></p> <p>7 Q. Okay.</p> <p>8 <b>A. Of --</b></p> <p>9 Q. Okay. So it would be contained in 10 the policies?</p> <p>11 <b>A. I'm not sure if it's policy or 12 handbook or --</b></p> <p>13 Q. Okay. Are e-mails monitored for 14 inappropriate use?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 <b>A. I can't speak to exactly the 17 monitoring. We do have monitoring of e-mails, 18 but I can't speak to that.</b></p> <p>19 Q. Are there any policies as it relates 20 to e-mails of sharing non-business-related 21 information through e-mail?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 <b>A. I'm just going to say the same thing</b></p>	<p>Page 79</p> <p>1 <b>use what?</b></p> <p>2 Q. The e-mail list for Birmingham 3 Professional. Do you know why the people on 4 Birmingham Professional stopped using Birmingham 5 Professional and changed to another listserv?</p> <p>6 MS. BARLOTTA: Object to form.</p> <p>7 <b>A. I don't know.</b></p> <p>8 Q. Did -- you mentioned there was e-mail 9 monitoring. Is there cellphone monitoring on 10 company-owned cellphones?</p> <p>11 <b>A. I'm not -- I don't know.</b></p> <p>12 Q. Okay. And did CRC do anything to 13 preserve the contents of company-owned cellphones 14 such as text messages and things like that 15 related to this case?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 <b>A. I just want to be clear I'm answering 18 what I know. I mean, we would have litigation 19 hold, and if they were under the litigation hold, 20 they would have the same restrictions that I 21 would have on, you know, maintaining information.</b></p> <p>22 Q. So once a litigation hold is placed 23 on certain matters, is it up to that person, each</p>
<p>Page 78</p> <p>1 <b>I said previously around that. I mean, I think 2 there is language, but I won't say specifically 3 that it's a policy or where it's located in the 4 handbook, but I think there's language related to 5 proper use.</b></p> <p>6 Q. Okay. Do you know who has 7 administrative control over the Outlook system at 8 CRC's professional liability department?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 <b>A. I don't know.</b></p> <p>11 Q. Do you have any information or 12 knowledge as to why one group of brokers would 13 switch which group they use?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 <b>A. I don't -- I'm not quite sure what 16 you mean. Use what?</b></p> <p>17 Q. For example, the brokers were using 18 Birmingham Professional at some point in time. 19 Do you have any information or knowledge why they 20 would switch from using that group?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 <b>A. I'm still not quite sure I understand 23 what you mean by that question. Who switch and</b></p>	<p>Page 80</p> <p>1 person involved in the litigation hold to uphold 2 the litigation hold?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 <b>A. If I'm understanding that correctly, 5 each person has to -- if they're under the 6 litigation hold, they're required to follow those 7 instructions.</b></p> <p>8 Q. Is there any way to monitor or check 9 whether or not they complied with the litigation 10 hold?</p> <p>11 MS. BARLOTTA: Object to form.</p> <p>12 <b>A. I -- I can't answer that.</b></p> <p>13 Q. Do you know who the carrier is for 14 the company-owned phones?</p> <p>15 <b>A. I think they have more than one. I'm 16 not exactly sure which one was being used for 17 that group.</b></p> <p>18 Q. Can you list the different carriers 19 that were being used by CRC?</p> <p>20 <b>A. I'm not a hundred percent sure.</b></p> <p>21 Q. So would the answer to that question 22 be I don't know?</p> <p>23 <b>A. Yes.</b></p>



<p style="text-align: right;">Page 81</p> <p>1 Q. Do you have a way to find out that 2 information?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 <b>A. Are you asking me if I can find out 5 who the carrier was regarding her phone? Is that 6 what you're asking?</b></p> <p>7 Q. I would say for the employees in the 8 Birmingham professional liability department.</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. You could? Okay.</p> <p>11 <b>A. I can ask the question.</b></p> <p>12 Q. Yeah. And where would you go to ask 13 that question? Who would you ask?</p> <p>14 <b>A. I can ask our operations group. They 15 managed the phone plans.</b></p> <p>16 Q. Did CRC or BB&amp;T or Truist record 17 calls made to HR?</p> <p>18 <b>A. If calling into the 800 line, yes, 19 those calls are recorded.</b></p> <p>20 Q. Do you know how long those are 21 stored?</p> <p>22 <b>A. I know there's a policy on retention. 23 I don't know that off the top of my head, but I</b></p>	<p style="text-align: right;">Page 83</p> <p>1 <b>used at the time -- and I'm sorry. This has just 2 been a lot of years ago.</b></p> <p>3 Q. I understand.</p> <p>4 <b>A. So, yeah. The system that was used 5 would have things documented in it that the HR 6 group would have worked on and investigated on 7 the HR side. So code of ethics related matters.</b></p> <p>8 Q. Does that include complaints of 9 discrimination or differential treatment?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. Yes, if those were investigated on 12 the HR side.</b></p> <p>13 Q. And what if it's a hybrid 14 investigation where HR helps legal, would those 15 documents be maintained in HR or is that at 16 legal?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 <b>A. As discussed earlier, it was turned 19 over to legal.</b></p> <p>20 Q. Okay. So those documents -- the 21 documents in this case are not maintained in your 22 HR office? Is that a true statement? I'm sorry?</p> <p>23 <b>A. Yes, that would be my understanding,</b></p>
<p style="text-align: right;">Page 82</p> <p>1 <b>know there was a schedule related to retention.</b></p> <p>2 Q. Okay. I think I already covered 3 this, and correct me if I have. Did -- was there 4 a policy or practice applicable to people like 5 Helveston, Daugherty, Hughes, and Cadden for 6 documenting complaints of discrimination?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. So there wasn't a -- like a system 9 they would document that in, but if you're asking 10 me if HR had a system, they did.</b></p> <p>11 Q. Okay. So I think you testified 12 earlier, and correct me if I'm incorrect, that 13 they would report it to HR, and then HR -- you're 14 saying now HR has a document system to maintain 15 those records?</p> <p>16 <b>A. I'm saying there was a system in 17 place that was used at the time.</b></p> <p>18 Q. Okay.</p> <p>19 <b>A. But that was only for -- that system 20 was only for certain things, so I don't know.</b></p> <p>21 Q. What things were covered under the 22 system?</p> <p>23 <b>A. So, I mean, so the system that was</b></p>	<p style="text-align: right;">Page 84</p> <p>1 <b>yes.</b></p> <p>2 Q. Okay. Is there a written policy on 3 the duty to document reports of discrimination?</p> <p>4 <b>A. So when you say a written policy --</b></p> <p>5 Q. For example, if someone like Mr. 6 Helveston, Mr. Cadden, or Mr. Hughes, or even Mr. 7 Daugherty receives a verbal complaint of unfair 8 treatment based on gender, is there a policy or 9 some kind of written guidance that they're to 10 follow, of the steps that they need to follow in 11 order to document that discrimination or do they 12 just simply hand it over to HR and then let HR 13 handle it?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 <b>A. There is guidance instructing 16 managers, leaders, anyone on reporting concerns.</b></p> <p>17 Q. Okay. And is that guidance -- has 18 that guidance been produced in this case?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 <b>A. My assumption would be yes.</b></p> <p>21 Q. Okay. But you don't know for sure?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 <b>A. I wasn't the one that turned over the</b></p>

<p>Page 85</p> <p>1 <b>information.</b></p> <p>2 Q. Okay. Do you know who did?</p> <p>3 <b>A. I'm assuming our legal group.</b></p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 Q. Okay. Yeah, I was asking who</p> <p>6 provided it to the lawyer. Obviously, the lawyer</p> <p>7 is going to produce the documents in the case,</p> <p>8 but I was going to say: Who helped collect those</p> <p>9 documents for the lawyer?</p> <p>10 <b>A. I would have.</b></p> <p>11 Q. Okay. But you don't -- you didn't --</p> <p>12 you did or didn't provide guidance or</p> <p>13 instructions to the manager and leaders when they</p> <p>14 received a complaint for this case?</p> <p>15 MS. BARLOTTA: She -- I think,</p> <p>16 Stefani, I think her question is assuming that</p> <p>17 your answer or your answer is assuming that there</p> <p>18 is a specific written policy telling managers</p> <p>19 what to do when they get some sort of a</p> <p>20 complaint.</p> <p>21 MS. GILL: It's based on her</p> <p>22 testimony that there is guidance --</p> <p>23 MS. BARLOTTA: She's asking if that</p>	<p>Page 87</p> <p>1 document? The document that you just testified</p> <p>2 to, were you talking about a page of the handbook</p> <p>3 or were you talking about a separate document?</p> <p>4 MS. BARLOTTA: She said guidance.</p> <p>5 She didn't say a document. You made that</p> <p>6 assumption.</p> <p>7 MS. GILL: She said there's guidance</p> <p>8 and instructions to managers and leaders, and so</p> <p>9 -- and then we started talking about documents.</p> <p>10 MS. BARLOTTA: Which -- right, and</p> <p>11 you started asking her because you were assuming</p> <p>12 that when she was saying instructions and</p> <p>13 guidance as being a written document. Maybe it</p> <p>14 is. I don't -- I'm saying she just --</p> <p>15 MS. GILL: I'm asking her now.</p> <p>16 Q. (BY MS. GILL:) Is it a separate</p> <p>17 document?</p> <p>18 <b>A. I think it was in multiple places.</b></p> <p>19 Q. Okay. Can you identify those places?</p> <p>20 <b>A. The handbook, and then it's a policy,</b></p> <p>21 <b>but I can't -- I can't recall the exact policy</b></p> <p>22 <b>off the top of my head.</b></p> <p>23 Q. Do you do any training on this</p>
<p>Page 86</p> <p>1 has been -- if that specific document has been</p> <p>2 produced.</p> <p>3 MS. GILL: Yeah, yeah. Before I</p> <p>4 asked that about the document, I asked her, and</p> <p>5 she said there was guidance and instructions that</p> <p>6 goes to managers and leaders. And so I asked if</p> <p>7 that's been produced in this case. So that's --</p> <p>8 MS. BARLOTTA: There's guidance and</p> <p>9 policies in the employee handbook about what to</p> <p>10 do if you see discrimination. I think you're</p> <p>11 assuming that her answer means something</p> <p>12 different than that. I don't think she's</p> <p>13 clarified that.</p> <p>14 Q. (BY MS. GILL:) Well, when you said</p> <p>15 that there was guidance or instructions to</p> <p>16 managers and leaders about what to do with a</p> <p>17 report of discrimination, is that a separate</p> <p>18 document from the employee handbook?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 <b>A. I can't recall right off. I turned</b></p> <p>21 <b>over the information to our legal group that we</b></p> <p>22 <b>would have had that would have been applicable.</b></p> <p>23 Q. I'm asking you is it a separate</p>	<p>Page 88</p> <p>1 guidance and instructions to managers and leaders</p> <p>2 on what to do to document reports of</p> <p>3 discrimination?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 <b>A. We have guidance that's for all</b></p> <p>6 <b>teammates on reporting concerns, and we have ways</b></p> <p>7 <b>for them to do that, multiple ways for them to</b></p> <p>8 <b>report concerns.</b></p> <p>9 Q. My question is: Did you train people</p> <p>10 on that guidance or did you just rely on them to</p> <p>11 refer to the policies and handbook?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 <b>A. We would educate managers, yes, on</b></p> <p>14 <b>those things.</b></p> <p>15 Q. Okay. Was that an in-person training</p> <p>16 or a computer training or -- tell me how you</p> <p>17 would educate them.</p> <p>18 <b>A. I mean, I think it's multiple ways.</b></p> <p>19 <b>I mean, they do the training courses. We</b></p> <p>20 <b>certainly answer any questions that they have.</b></p> <p>21 <b>There's the handbook, and the policies are posted</b></p> <p>22 <b>on intranet sites. There's information directing</b></p> <p>23 <b>them to where to go with any questions, any help</b></p>



<p>Page 89</p> <p>1 <b>that they need.</b></p> <p>2 Q. Would Mr. Daugherty qualify as a</p> <p>3 manager?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Okay. And what -- the same question</p> <p>6 for Mr. Hughes, Mr. Cadden, and Mr. Helveston,</p> <p>7 would they qualify as managers?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Was HR aware that Kathryn Hendrix</p> <p>10 made complaints that her male co-workers,</p> <p>11 specifically Clay Segrest, was treating her like</p> <p>12 a secretary and that her workload was preventing</p> <p>13 her from completing inside broker duties?</p> <p>14 MS. BARLOTTA: Object to form.</p> <p>15 Assumes facts not in evidence.</p> <p>16 Q. You can answer.</p> <p>17 <b>A. I'm -- no, I didn't -- she didn't</b></p> <p>18 <b>tell me that, and I tried to reach out to her to</b></p> <p>19 <b>get the facts, and I never received a response.</b></p> <p>20 Q. Did Corey Daugherty tell you Ms.</p> <p>21 Hendrix had made a complaint that Clay Segrest</p> <p>22 was treating her like a secretary and that her</p> <p>23 workload was preventing her from completing</p>	<p>Page 91</p> <p>1 Helveston, tell HR that Kathryn Hendrix had</p> <p>2 raised concerns about lack of female broker hires</p> <p>3 and that they hadn't hired a female broker in</p> <p>4 twelve years?</p> <p>5 MS. BARLOTTA: Same objection.</p> <p>6 Assumes facts not in evidence.</p> <p>7 Q. You can answer.</p> <p>8 <b>A. So I'm just not quite sure how to</b></p> <p>9 <b>answer this without talking about conversations</b></p> <p>10 <b>that were after the legal.</b></p> <p>11 Q. Okay. How about this: Before you</p> <p>12 received the letter of September -- in September</p> <p>13 from Kat asking for severance, did anyone, Mr.</p> <p>14 Helveston, Mr. Daugherty, Mr. Cadden, or Mr.</p> <p>15 Hughes, tell you that Kathryn Hendrix had</p> <p>16 complained that there was lack of female broker</p> <p>17 hirings and that they had not hired a female</p> <p>18 broker in twelve years?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 <b>A. No.</b></p> <p>21 Q. Okay. If Ms. Hendrix had raised</p> <p>22 these concerns to Daugherty, Helveston, Hughes,</p> <p>23 and Cadden, should those concerns have been</p>
<p>Page 90</p> <p>1 inside broker duties?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 Assumes facts not in evidence.</p> <p>4 Q. You can answer.</p> <p>5 <b>A. No.</b></p> <p>6 Q. Was HR aware that Kathryn Hendrix</p> <p>7 raised concerns about lack of female broker</p> <p>8 hirings and that CRC hadn't hired a female broker</p> <p>9 in twelve years?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 Assumes facts not in evidence.</p> <p>12 Q. You can answer.</p> <p>13 <b>A. I'm going to provide my same answer</b></p> <p>14 <b>that I provided before. I tried to reach out to</b></p> <p>15 <b>her. The only knowledge I had was her first</b></p> <p>16 <b>letter that I received and tried to -- made</b></p> <p>17 <b>multiple attempts to reach out to her with no</b></p> <p>18 <b>response.</b></p> <p>19 Q. And I understand that's your -- your</p> <p>20 testimony is your first receipt of a complaint</p> <p>21 from her was the letter.</p> <p>22 My question to you is: Did anyone,</p> <p>23 Mr. Daugherty, Mr. Cadden, Mr. Hughes, or Mr.</p>	<p>Page 92</p> <p>1 brought to you before the September letter?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 Q. You can answer.</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Prior to the September letter</p> <p>6 provided by Ms. Hendrix to you, had you received</p> <p>7 any complaints -- or not directly to you. Had</p> <p>8 anyone notified you of Ms. Hendrix's complaints</p> <p>9 of differential treatment in job assignments,</p> <p>10 duties, and compensation?</p> <p>11 MS. BARLOTTA: Object to form.</p> <p>12 Assumes facts not in evidence and asked and</p> <p>13 answered.</p> <p>14 Q. You can answer.</p> <p>15 <b>A. I just want to make sure I</b></p> <p>16 <b>understand, because you said not to me. So I'm</b></p> <p>17 <b>not sure what you meant by --</b></p> <p>18 Q. I'm not saying -- you said the first</p> <p>19 time Ms. Hendrix complained to you was the</p> <p>20 September letter. I'm asking you did any of her</p> <p>21 managers, anybody in the Birmingham professional</p> <p>22 liability department, notify you she had</p> <p>23 complained to them of unfair treatment prior to</p>

<p style="text-align: right;">Page 93</p> <p>1 the September letter that you received?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 Assumes facts not in evidence.</p> <p>4 Q. You can answer.</p> <p>5 <b>A. No.</b></p> <p>6 Q. Excuse me just one second.</p> <p>7 Would failure to report a complaint</p> <p>8 of discrimination to HR received by a manager be</p> <p>9 subject to discipline?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. So can you say that again?</b></p> <p>12 Q. Would the failure to report to HR a</p> <p>13 complaint of discrimination received by a manager</p> <p>14 be subject to discipline?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 Q. You can answer.</p> <p>17 <b>A. Yes. Managers should report if they</b></p> <p>18 <b>have a concern.</b></p> <p>19 Q. Does HR maintain job postings and --</p> <p>20 in their department?</p> <p>21 <b>A. So I'm not sure exactly what your</b></p> <p>22 <b>question is as far as the -- I mean, that's</b></p> <p>23 <b>probably a --</b></p>	<p style="text-align: right;">Page 95</p> <p>1 position require a job requisition form?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 <b>A. From my understanding, yes.</b></p> <p>4 Q. In this case, Ms. Hendrix was given</p> <p>5 the position of inside broker. Was there a job</p> <p>6 requisition form for her prior to her getting</p> <p>7 that position?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 Stefani's not designated, and Corey provided all</p> <p>10 the testimony about how that job -- how she came</p> <p>11 into that job. You can ask her what her personal</p> <p>12 knowledge is about that.</p> <p>13 Q. Okay.</p> <p>14 <b>A. So, generally speaking, there would</b></p> <p>15 <b>be a job requisition on all jobs. I just can't</b></p> <p>16 <b>specifically say that I saw documentation or</b></p> <p>17 <b>would know in her case specifically.</b></p> <p>18 Q. Okay. When an employee is given a</p> <p>19 promotion, are they given a pay raise with the</p> <p>20 promotion?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 <b>A. So it's different in the broker --</b></p> <p>23 <b>the way the pay is set up for brokers. It's --</b></p>
<p style="text-align: right;">Page 94</p> <p>1 Q. What about -- let me rephrase. My</p> <p>2 understanding is when there's a position open, a</p> <p>3 requisition form is created. Does HR maintain</p> <p>4 that form?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 <b>A. That was outside of the scope of --</b></p> <p>7 <b>that would have been a recruiting.</b></p> <p>8 Q. Okay. So that's not an HR issue?</p> <p>9 That's a separate department?</p> <p>10 <b>A. No. That's part of -- that's part of</b></p> <p>11 <b>HR, but whether they were keeping that specific</b></p> <p>12 <b>document, I --</b></p> <p>13 Q. I guess what I'm asking is: All</p> <p>14 prior openings for positions would have some</p> <p>15 documentation associated with it. Is that</p> <p>16 documentation kept, and where is it maintained?</p> <p>17 MS. BARLOTTA: Object to form.</p> <p>18 <b>A. So yes, there would be documentation.</b></p> <p>19 <b>What I'm saying I don't want to speak to is where</b></p> <p>20 <b>-- if that documentation is kept or how that's</b></p> <p>21 <b>kept. But there would have been documentation</b></p> <p>22 <b>for a job requisition to be opened, yes.</b></p> <p>23 Q. Okay. And if -- does every open</p>	<p style="text-align: right;">Page 96</p> <p>1 <b>because there is, you know, formulas around how</b></p> <p>2 <b>brokers are paid, and so, you know, and the</b></p> <p>3 <b>incentive plan is discretionary. So to say that</b></p> <p>4 <b>someone always received, you know, an increase, I</b></p> <p>5 <b>can't say that. I don't know.</b></p> <p>6 Q. How about when you're going from</p> <p>7 account executive to inside broker or broker?</p> <p>8 Would there be a pay difference in that change in</p> <p>9 position?</p> <p>10 MS. BARLOTTA: I'm just going to</p> <p>11 reiterate that she's testifying based upon her</p> <p>12 personal knowledge here, because Mr. Daugherty</p> <p>13 was designated on all issues related to pay</p> <p>14 differences and pay between brokers and account</p> <p>15 executives and so forth.</p> <p>16 MS. GILL: Yeah. And I'm not</p> <p>17 necessarily asking about bonuses and things like</p> <p>18 that. I'm talking about the base pay and the</p> <p>19 guidelines that she testified to earlier. That's</p> <p>20 all I'm talking about, the base pay.</p> <p>21 MS. BARLOTTA: The same thing.</p> <p>22 Stefani, just testify to what your personal</p> <p>23 knowledge is, if any, on these issues.</p>

<p>Page 97</p> <p>1 THE WITNESS: Okay.</p> <p>2 <b>A. Base pay would -- I mean, it's still</b></p> <p>3 <b>different for even support people of a broker, of</b></p> <p>4 <b>a book, because they still have to pay for -- to</b></p> <p>5 <b>be able to support the pay of anybody as part of</b></p> <p>6 <b>that team and that book, so --</b></p> <p>7 Q. (BY MS. GILL:) Okay. When people</p> <p>8 change positions, for example, from account</p> <p>9 executive to inside broker, would it be -- would</p> <p>10 their job duties change?</p> <p>11 MS. BARLOTTA: Object to form. This</p> <p>12 is, again, based upon her personal knowledge.</p> <p>13 Mr. Daugherty testified extensively on these</p> <p>14 issues and was designated to do such. So she's</p> <p>15 being deposed in a fact witness capacity at this</p> <p>16 point.</p> <p>17 <b>A. Those jobs have different job</b></p> <p>18 <b>descriptions.</b></p> <p>19 Q. Okay. And do you -- who sets -- who</p> <p>20 creates those job descriptions? Is that created</p> <p>21 through HR or is that created in the departments?</p> <p>22 <b>A. It's a collaboration.</b></p> <p>23 Q. Okay. So HR does participate in</p>	<p>Page 99</p> <p>1 Q. You can answer.</p> <p>2 <b>A. And can you just repeat the question?</b></p> <p>3 <b>I'm sorry.</b></p> <p>4 Q. If an employee is going to be</p> <p>5 transferred to another city into another</p> <p>6 department, would there be documentation</p> <p>7 effectuating that transfer?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 Q. You can answer.</p> <p>10 <b>A. To my knowledge, if it's a new job</b></p> <p>11 <b>that's been created, there would be, but people</b></p> <p>12 <b>relocate and stay a part of the same team, and</b></p> <p>13 <b>that may not require a requisition form.</b></p> <p>14 Q. What if it is the same city but</p> <p>15 different department team?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 Q. Would there be documentation for</p> <p>18 that?</p> <p>19 MS. BARLOTTA: Same objection.</p> <p>20 <b>A. So --</b></p> <p>21 Q. You can answer.</p> <p>22 <b>A. If it's part of a different team, a</b></p> <p>23 <b>different group, then yes.</b></p>
<p>Page 98</p> <p>1 preparing job descriptions?</p> <p>2 MS. BARLOTTA: Object to form.</p> <p>3 Q. You can answer.</p> <p>4 <b>A. In having those set up</b></p> <p>5 <b>systematically, like having those set up. But, I</b></p> <p>6 <b>mean, the business is defining what the duties</b></p> <p>7 <b>are of those jobs.</b></p> <p>8 Q. Okay. If someone is transferring</p> <p>9 from, for example, from the Birmingham</p> <p>10 professional liability department to another</p> <p>11 office in another city, would a requisition form</p> <p>12 need to be prepared?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 <b>A. Are you -- are you talking about on</b></p> <p>15 <b>the same team? Are you -- you're just saying</b></p> <p>16 <b>they're relocating? I don't --</b></p> <p>17 Q. For example, in this case, Mr.</p> <p>18 Helveston asked Ms. Hendrix if she wanted to</p> <p>19 transfer, and she said yes. Would there be</p> <p>20 documentation of him effectuating that transfer?</p> <p>21 MS. BARLOTTA: Object to the form.</p> <p>22 Assumes facts not in evidence, and move to strike</p> <p>23 counsel's testimony.</p>	<p>Page 100</p> <p>1 Q. Okay. Do you know if any</p> <p>2 documentation was prepared in efforts to transfer</p> <p>3 Ms. Hendrix to another team?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 Assumes that that, in fact, happened.</p> <p>6 Q. Well, that's what I'm asking. Did it</p> <p>7 happen?</p> <p>8 MS. BARLOTTA: Your question assumes</p> <p>9 that that request was made or somehow relayed or</p> <p>10 communicated. So there's several assumptions in</p> <p>11 your question.</p> <p>12 Q. You can answer.</p> <p>13 MS. BARLOTTA: And you're asking her</p> <p>14 to respond to a hypothetical. Object to form.</p> <p>15 Q. You can answer.</p> <p>16 <b>A. Okay. I've already forgot the</b></p> <p>17 <b>question. What --</b></p> <p>18 Q. If the transfer was to be in the same</p> <p>19 city but different team -- I've already asked</p> <p>20 that. Hang on.</p> <p>21 Were there any documents in this case</p> <p>22 relating to a transfer for Kathryn Hendrix?</p> <p>23 MS. BARLOTTA: Object to form.</p>

<p>Page 101</p> <p>1 <b>A. She transferred from the audit</b></p> <p>2 <b>department to broker. I mean, that's a broad</b></p> <p>3 <b>question.</b></p> <p>4 Q. I -- well, I was trying to make it</p> <p>5 more general so that -- my understanding is that</p> <p>6 Mr. Helveston told Ms. Hendrix if he relayed her</p> <p>7 complaints to the men, she couldn't work there</p> <p>8 anymore, and he asked her if she wanted to</p> <p>9 transfer, and she said yes.</p> <p>10 So my question is: Is there any</p> <p>11 documentation or evidence that a transfer was in</p> <p>12 the works for Ms. Hendrix?</p> <p>13 MS. BARLOTTA: Object to form, and</p> <p>14 move to strike counsel's testimony.</p> <p>15 Q. You can answer.</p> <p>16 <b>A. Okay. So I can't -- the requisition</b></p> <p>17 <b>form is something that was done -- I mean, the</b></p> <p>18 <b>business would bill that out and complete that</b></p> <p>19 <b>and submit that. I don't know.</b></p> <p>20 Q. Okay. So you don't know if there's</p> <p>21 anything there?</p> <p>22 <b>A. I did not -- no. I wouldn't have</b></p> <p>23 <b>been a part of that.</b></p>	<p>Page 103</p> <p>1 <b>A. All policies are reviewed and are on</b></p> <p>2 <b>a timeline to be reviewed.</b></p> <p>3 Q. Okay. Do you know how often?</p> <p>4 <b>A. There's probably a schedule, but I</b></p> <p>5 <b>don't know that off the top of my head, no.</b></p> <p>6 Q. Okay.</p> <p>7 MS. GILL: Can we take a quick break?</p> <p>8 I need to use the restroom, and I think</p> <p>9 co-counsel wanted to confer with me about</p> <p>10 something real quick.</p> <p>11 MS. BARLOTTA: Okay.</p> <p>12 MS. GILL: Thank you.</p> <p>13 VIDEOGRAPHER: We are off the record.</p> <p>14 The time is 12:52.</p> <p>15 (Whereupon, a brief recess was</p> <p>16 taken.)</p> <p>17 VIDEOGRAPHER: We are back on the</p> <p>18 record. The time is 1:06.</p> <p>19 Q. (BY MS. GILL:) Thank you for letting</p> <p>20 me take a break.</p> <p>21 Before we went on the break, we were</p> <p>22 talking about whether or not HR reviews the</p> <p>23 policies to determine if they are effective.</p>
<p>Page 102</p> <p>1 Q. Was Clay Segrest ever disciplined for</p> <p>2 differential treatment of Ms. Hendrix?</p> <p>3 MS. BARLOTTA: Object to form.</p> <p>4 Assumes facts not in evidence.</p> <p>5 Q. You can answer.</p> <p>6 <b>A. No, not that I'm aware of.</b></p> <p>7 Q. Was Jonathan Morgan ever disciplined</p> <p>8 for misrepresenting his title on e-mails?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 Assumes facts not in evidence.</p> <p>11 <b>A. Not that I'm aware of.</b></p> <p>12 Q. Does CRC or BB&amp;T, or Truist have any</p> <p>13 -- I don't know what to call it -- any annual</p> <p>14 oversight to determine the effectiveness of the</p> <p>15 defendants' anti-discrimination policies?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 <b>A. I'm not sure I understand your</b></p> <p>18 <b>question.</b></p> <p>19 Q. Does CRC, BB&amp;T, or Truist, do they</p> <p>20 review the policies and whether they are being</p> <p>21 effective on anti-discrimination?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 Q. You can answer.</p>	<p>Page 104</p> <p>1 So my question now is: Do they</p> <p>2 review the policies to see if it relates to the</p> <p>3 promotion or advancement of females and equal</p> <p>4 advancement of females?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 <b>A. So I'm still not quite sure what</b></p> <p>7 <b>specifically you're asking in that. I mean, the</b></p> <p>8 <b>policies are reviewed.</b></p> <p>9 Q. Did you determine -- when they are</p> <p>10 reviewed, do you -- does CRC or BB&amp;T or Truist</p> <p>11 review them for their effectiveness as it relates</p> <p>12 to equal opportunities for women?</p> <p>13 MS. BARLOTTA: Object to form.</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. And are there any analysis or reports</p> <p>16 or documents collected and maintained at CRC</p> <p>17 relating to the review of the effectiveness of</p> <p>18 the policies?</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 <b>A. CRC would not have any of that</b></p> <p>21 <b>information.</b></p> <p>22 Q. Okay. So it would be maintained by</p> <p>23 BB&amp;T or Truist?</p>

<p>Page 105</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. What would I need to ask for -- what</p> <p>3 would that be called for us to ask for in</p> <p>4 discovery?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 <b>A. So I'm not exactly sure what you're</b></p> <p>7 <b>asking for, and, I mean, we have governance</b></p> <p>8 <b>groups and different areas that own different</b></p> <p>9 <b>policies. So I don't know exactly how to answer</b></p> <p>10 <b>that as far as where that stuff is housed.</b></p> <p>11 <b>That's not my job in HR.</b></p> <p>12 Q. Okay. I didn't know -- like</p> <p>13 oftentimes when people are reviewing policies or</p> <p>14 collecting information to determine the</p> <p>15 effectiveness or something, they create a report,</p> <p>16 like a final report. I didn't know if there's</p> <p>17 anything like that in this case and what it would</p> <p>18 be called.</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 <b>A. I'm not aware.</b></p> <p>21 Q. Is there a compensation analyst that</p> <p>22 would review the compensation of the Birmingham</p> <p>23 professional liability department?</p>	<p>Page 107</p> <p>1 <b>formula. It's set up the way it is for teams and</b></p> <p>2 <b>brokers and, you know, they have to fit into</b></p> <p>3 <b>that.</b></p> <p>4 <b>So if there were issues with them</b></p> <p>5 <b>not, then I'm sure, you know, someone would work</b></p> <p>6 <b>with them on that. But the business is involved</b></p> <p>7 <b>in all of that.</b></p> <p>8 Q. How would you learn that it's not in</p> <p>9 compliance with that formula?</p> <p>10 MS. BARLOTTA: Object to form.</p> <p>11 <b>A. So, I mean, if the -- you know, they</b></p> <p>12 <b>have their own accounting groups as well that are</b></p> <p>13 <b>supporting them that would know if the --</b></p> <p>14 Q. Okay. And so whoever would -- you</p> <p>15 said there would be people that would check on</p> <p>16 that. The people would be in the insurance</p> <p>17 division as well as the accountants are in the</p> <p>18 insurance division.</p> <p>19 MS. BARLOTTA: Object to form.</p> <p>20 Q. Or department.</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 <b>A. I'm not sure what you're saying I</b></p> <p>23 <b>said people check on. What --</b></p>
<p>Page 106</p> <p>1 <b>A. So, again, I'm going to kind of</b></p> <p>2 <b>revert back to the same thing I said before. Pay</b></p> <p>3 <b>structure and how that's handled for insurance is</b></p> <p>4 <b>different. So I don't know what you're asking if</b></p> <p>5 <b>--</b></p> <p>6 Q. So from what I understand is like,</p> <p>7 for example, I know that Truist has posted a</p> <p>8 position for a compensation analyst as it relates</p> <p>9 to mortgage -- was it mortgage loan -- mortgage</p> <p>10 brokers. So is there a similar position for</p> <p>11 insurance brokers?</p> <p>12 MS. BARLOTTA: Object to form.</p> <p>13 <b>A. So there's compensation people that</b></p> <p>14 <b>are aligned to support insurance, but that</b></p> <p>15 <b>doesn't change what I said as far as -- the pay</b></p> <p>16 <b>structure is what it is for insurance and for the</b></p> <p>17 <b>broker population. That's not something that an</b></p> <p>18 <b>analyst is determining.</b></p> <p>19 Q. Okay. But there's nobody reviewing</p> <p>20 -- there's no oversight on how it's done?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 <b>A. So, again, that's -- the way the pay</b></p> <p>23 <b>structure is for that group is -- I mean, it's a</b></p>	<p>Page 108</p> <p>1 Q. I guess what I'm asking is: BB&amp;T,</p> <p>2 CRC, Truist, they don't -- they don't go in and</p> <p>3 review the formula to determine if there's</p> <p>4 discrimination practices occurring?</p> <p>5 MS. BARLOTTA: Object to form.</p> <p>6 <b>A. I said if it doesn't work or it</b></p> <p>7 <b>doesn't fit, then they have a whole accounting</b></p> <p>8 <b>group that would set the --</b></p> <p>9 Q. But that accounting group is at CRC,</p> <p>10 not BB&amp;T or Truist?</p> <p>11 <b>A. There's an accounting group they</b></p> <p>12 <b>support, specifically CRC.</b></p> <p>13 Q. And so BB&amp;T or Truist has no</p> <p>14 oversight on whether or not equal opportunities</p> <p>15 and compensation are being offered to women?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 <b>A. So Truist does have a compensation</b></p> <p>18 <b>department with analysts and, you know, all kinds</b></p> <p>19 <b>of positions in it, and they do have oversight to</b></p> <p>20 <b>certain things, but that doesn't change that</b></p> <p>21 <b>there is a structure for how the pay works for</b></p> <p>22 <b>brokers.</b></p> <p>23 <b>And if they were trying to do</b></p>

<p>Page 109</p> <p>1 something that didn't fit within that, I wouldn't</p> <p>2 -- like I said, the accounting group would know</p> <p>3 that, and I'm sure there is something that the</p> <p>4 comp group -- but I don't know what you're really</p> <p>5 trying to ask me.</p> <p>6 Q. Who does payroll?</p> <p>7 A. The payroll department.</p> <p>8 Q. Right. Is it CRC or is it BB&amp;T or</p> <p>9 Truist?</p> <p>10 A. It's -- it was BB&amp;T at the time.</p> <p>11 Q. And just so I'm clear, you keep</p> <p>12 talking about the structure is, you know, there's</p> <p>13 a formula, and that team gets -- it falls within</p> <p>14 that formula, but within the team it's</p> <p>15 discretionary; is that correct?</p> <p>16 MS. BARLOTTA: Yeah, and these</p> <p>17 questions were all asked to Corey. He was</p> <p>18 designated on this topic, so, you know, she's</p> <p>19 just going to be testifying about her personal</p> <p>20 opinion on these things.</p> <p>21 Q. Well, I'm just making sure that BB&amp;T</p> <p>22 and Truist don't -- they don't set the salaries</p> <p>23 and they don't -- as long as it's within that</p>	<p>Page 111</p> <p>1 saying who creates those?</p> <p>2 Q. Yes.</p> <p>3 A. There's a legal person that helps</p> <p>4 with that.</p> <p>5 Q. Are they maintained in the human</p> <p>6 resources department?</p> <p>7 A. They are, yes, they're maintained,</p> <p>8 yes.</p> <p>9 Q. Do you know whether Lauren Lindberg</p> <p>10 had a noncompete agreement?</p> <p>11 A. I don't know who that is off the top</p> <p>12 of my head.</p> <p>13 Q. Okay. Are noncompetes part of the</p> <p>14 hiring package when someone is hired for a broker</p> <p>15 position?</p> <p>16 A. When you say part of the package --</p> <p>17 Q. When somebody gets hired on, do they</p> <p>18 have to sign a noncompete to come to work as a</p> <p>19 broker?</p> <p>20 A. So brokers would have an employment</p> <p>21 agreement.</p> <p>22 Q. Okay. And does that employment</p> <p>23 agreement contain a noncompete?</p>
<p>Page 110</p> <p>1 formula, they don't do anything to change what's</p> <p>2 happening within a team; is that correct?</p> <p>3 MS. BARLOTTA: Again, this was</p> <p>4 covered with Mr. Daugherty. He was the one who</p> <p>5 was designated to talk about how pay is set up</p> <p>6 for the brokers. He testified extensively on</p> <p>7 this.</p> <p>8 MS. GILL: And I'm just asking her</p> <p>9 what her knowledge as an HR person is.</p> <p>10 Q. (BY MS. GILL:) You can answer.</p> <p>11 A. Okay. What specifically do you want</p> <p>12 me to answer on that?</p> <p>13 Q. I just want to make sure I'm clear</p> <p>14 that so long as the pay of a team is within that</p> <p>15 struct -- that formula that you mentioned for</p> <p>16 that team, HR, BB&amp;T, Truist, they don't do</p> <p>17 anything to change that.</p> <p>18 MS. BARLOTTA: Object to form.</p> <p>19 A. No.</p> <p>20 Q. Where are noncompete agreements</p> <p>21 created?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 A. So when you mean created, you're</p>	<p>Page 112</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 A. So as far as the language in the</p> <p>3 employment agreements, that can -- that can tend</p> <p>4 to vary depending on how old an employment</p> <p>5 agreement is versus how new an employment</p> <p>6 agreement is.</p> <p>7 Q. So they're not uniform throughout?</p> <p>8 MS. BARLOTTA: Object to form.</p> <p>9 A. No, because we've acquired many</p> <p>10 companies that --</p> <p>11 Q. As an employee of CRC, what benefits</p> <p>12 was Ms. Hendrix entitled to?</p> <p>13 A. She would have been entitled to the</p> <p>14 same benefits as all employees.</p> <p>15 Q. And what are those benefits?</p> <p>16 A. So, I mean, I couldn't sit here and</p> <p>17 list off all of the benefits, but it would have</p> <p>18 been whatever benefits were available at that</p> <p>19 time.</p> <p>20 I mean, are you referring to like</p> <p>21 medical, dental, vision? Are you referring to</p> <p>22 like welfare benefits?</p> <p>23 Q. Sure. Any of those things, medical,</p>



<p style="text-align: right;">Page 113</p> <p>1 dental, disability, 401(k), or whatever. What</p> <p>2 was she entitled to?</p> <p>3 <b>A. She would have been entitled to the</b></p> <p>4 <b>same benefits as all teammates, full-time</b></p> <p>5 <b>teammates.</b></p> <p>6 Q. Okay. And what are those benefits?</p> <p>7 <b>A. We have welfare benefits, which is</b></p> <p>8 <b>going to include your medical, dental, vision.</b></p> <p>9 <b>We have 401(k) plans, life insurance, disability.</b></p> <p>10 <b>I mean, I don't -- I can't sit here and tell you</b></p> <p>11 <b>every single benefit.</b></p> <p>12 Q. Did CRC -- does CRC match in the</p> <p>13 401(k) plan?</p> <p>14 <b>A. They do.</b></p> <p>15 Q. What is the matching percentage?</p> <p>16 <b>A. They match fifty percent up to the</b></p> <p>17 <b>contribution limit.</b></p> <p>18 Q. Do you know whether Kathryn Hendrix</p> <p>19 is eligible for rehire?</p> <p>20 <b>A. She is in the system eligible for</b></p> <p>21 <b>rehire.</b></p> <p>22 Q. So is -- does that mean she possibly</p> <p>23 is not eligible for rehire?</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. So it's okay to engage in gender</p> <p>2 discrimination as it relates to pay? That's not</p> <p>3 a violation of your code of ethics?</p> <p>4 MS. BARLOTTA: Object to form.</p> <p>5 <b>A. That is -- that's not what I said.</b></p> <p>6 Q. Okay. Well, that's what I was</p> <p>7 asking. Is gender discrimination in pay a</p> <p>8 violation of your code of ethics?</p> <p>9 <b>A. It would be, but -- it would be. I</b></p> <p>10 <b>was just saying that the pay on the insurance</b></p> <p>11 <b>side in their incentive plan is discretionary.</b></p> <p>12 Q. Okay. Did human resources have any</p> <p>13 involvement in processing Ms. Hendrix's</p> <p>14 termination paperwork?</p> <p>15 MS. BARLOTTA: Object to form.</p> <p>16 <b>A. As far as processing?</b></p> <p>17 Q. Did you prepare the termination form?</p> <p>18 <b>A. No, I did not.</b></p> <p>19 Q. Okay. I'm going to show you</p> <p>20 Plaintiff's Exhibit 16. I think it's going to</p> <p>21 take her a second to pull it up, because she got</p> <p>22 disconnected.</p> <p>23 (Whereupon, Plaintiff's Exhibit No.</p>
<p style="text-align: right;">Page 114</p> <p>1 MS. BARLOTTA: Object to form.</p> <p>2 <b>A. If -- if we could have gained</b></p> <p>3 <b>information that would potentially make her not</b></p> <p>4 <b>eligible for rehire, but she's in the system</b></p> <p>5 <b>today as eligible for rehire.</b></p> <p>6 Q. What kind of information would make</p> <p>7 her not eligible?</p> <p>8 <b>A. So if, I mean, someone violates a</b></p> <p>9 <b>code of ethics. So any kind of criminal activity</b></p> <p>10 <b>or just anything that's code of ethics violation,</b></p> <p>11 <b>they could be deemed ineligible for rehire.</b></p> <p>12 Q. Would a team member or employee who</p> <p>13 engaged in unlawful discrimination be eligible</p> <p>14 for rehire?</p> <p>15 <b>A. If it was substantiated that they had</b></p> <p>16 <b>violated our code of ethics, they would not be</b></p> <p>17 <b>eligible for rehire.</b></p> <p>18 Q. Does paying your teammates an unequal</p> <p>19 amount of bonuses or pay based on gender a</p> <p>20 violation of your code of ethics?</p> <p>21 MS. BARLOTTA: Object to form.</p> <p>22 <b>A. No. The incentive plan on the</b></p> <p>23 <b>insurance side is discretionary.</b></p>	<p style="text-align: right;">Page 116</p> <p>1 16 was marked for identification and a copy of</p> <p>2 same is attached hereto.)</p> <p>3 Q. Have you seen this document before?</p> <p>4 <b>A. I have seen -- I don't know if I've</b></p> <p>5 <b>specifically seen this one filled out with this</b></p> <p>6 <b>information, but I have seen this form, yes.</b></p> <p>7 Q. Okay. So you have not seen this</p> <p>8 particular form for Ms. Hendrix?</p> <p>9 <b>A. I can't say that I specifically saw</b></p> <p>10 <b>this one for her, but I have seen this form.</b></p> <p>11 Q. Is this document provided to HR upon</p> <p>12 termination of an employee?</p> <p>13 <b>A. This is -- this form is not used for</b></p> <p>14 <b>that.</b></p> <p>15 Q. What is this form used for?</p> <p>16 <b>A. This form is used for the business</b></p> <p>17 <b>side to deactivate access with their systems and</b></p> <p>18 <b>things.</b></p> <p>19 Q. Okay. So this does not go to human</p> <p>20 resources?</p> <p>21 <b>A. This is an internal CRC form.</b></p> <p>22 Q. At the bottom, do you know who filled</p> <p>23 out this particular form?</p>

<p style="text-align: right;">Page 117</p> <p>1 <b>A. I don't know who filled out this</b></p> <p>2 <b>form.</b></p> <p>3 Q. Okay. I'm going to show you</p> <p>4 Plaintiff's Exhibit 15.</p> <p>5 (Whereupon, Plaintiff's Exhibit No.</p> <p>6 15 was marked for identification and a copy of</p> <p>7 same is attached hereto.)</p> <p>8 Q. Have you seen this document?</p> <p>9 <b>A. Yes, that's my e-mail.</b></p> <p>10 Q. And who is this e-mail to?</p> <p>11 <b>A. Corey.</b></p> <p>12 Q. Okay. And it looks like Mr. Cadden</p> <p>13 and Mr. Hughes were copied on that as well?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. What was the purpose of this e-mail?</p> <p>16 <b>A. This was to provide them instructions</b></p> <p>17 <b>on processing her termination in our Workday</b></p> <p>18 <b>system.</b></p> <p>19 Q. And would Plaintiff's Exhibit 16 that</p> <p>20 I just showed you be part of that processing of</p> <p>21 her termination?</p> <p>22 <b>A. It is -- this form right here is an</b></p> <p>23 <b>internal form for CRC. It is not part of the</b></p>	<p style="text-align: right;">Page 119</p> <p>1 discrimination to HR as well?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. I'm going to show you Plaintiff's</p> <p>4 Exhibit 19. Okay.</p> <p>5 (Whereupon, Plaintiff's Exhibit No.</p> <p>6 19 was marked for identification and a copy of</p> <p>7 same is attached hereto.)</p> <p>8 (Whereupon, a discussion off the</p> <p>9 record was held.)</p> <p>10 Q. (BY MS. GILL:) Just a second. In</p> <p>11 your -- in CRC's answer, it mentions that the</p> <p>12 plaintiff has failed or refused to mitigate</p> <p>13 damages. What facts do you have to support that</p> <p>14 defense?</p> <p>15 MS. BARLOTTA: Trish, we've talked</p> <p>16 about this. This is one of the subjects that</p> <p>17 we've gone back and forth on. We're not going to</p> <p>18 have a witness to testify about legal terms and</p> <p>19 things of that nature. You can ask -- you're</p> <p>20 better off to ask for this stuff in an</p> <p>21 interrogatory of some sort, but the witness is</p> <p>22 not going to sit here and testify about legal</p> <p>23 conclusions.</p>
<p style="text-align: right;">Page 118</p> <p>1 <b>Workday termination process. This goes to IT.</b></p> <p>2 <b>You see at the top, it says e-mail to HelpDesk @</b></p> <p>3 <b>CRC.</b></p> <p>4 Q. Okay. I see that. So it also says</p> <p>5 IAS @ BB&amp;T. Who is that?</p> <p>6 <b>A. That's -- it's the IT stuff to</b></p> <p>7 <b>deactivate access. That's what it is.</b></p> <p>8 Q. At the bottom it instructs whoever is</p> <p>9 receiving this to wipe the cellphone as of</p> <p>10 December 12th. Do you see that?</p> <p>11 <b>A. Okay. Yes, I see that.</b></p> <p>12 Q. Do you know whether that was done?</p> <p>13 <b>A. I do not know.</b></p> <p>14 Q. Okay. Okay. Sorry. Does Mr. Hughes</p> <p>15 report to HR?</p> <p>16 <b>A. What do you mean by does he report to</b></p> <p>17 <b>HR?</b></p> <p>18 Q. I guess what I'm asking is: Is he</p> <p>19 lateral to HR or what's his position?</p> <p>20 <b>A. So Rusty is a manager in the CRC</b></p> <p>21 <b>business. He's not part of HR at all.</b></p> <p>22 Q. Okay. Would he be subject to the</p> <p>23 policies or the practices to report complaints of</p>	<p style="text-align: right;">Page 120</p> <p>1 MS. GILL: I'm not asking her to</p> <p>2 testify about a legal conclusion. I'm asking her</p> <p>3 what facts does she have to support the</p> <p>4 defendants' position that Ms. Hendrix has not</p> <p>5 mitigated her damages.</p> <p>6 MS. BARLOTTA: Well, mitigation is a</p> <p>7 legal term.</p> <p>8 MS. GILL: Okay.</p> <p>9 Q. (BY MS. GILL:) Are you aware of any</p> <p>10 positions that -- inside broker positions</p> <p>11 available or broker positions available in the</p> <p>12 community?</p> <p>13 MS. BARLOTTA: Object to the form.</p> <p>14 <b>A. Are you asking about today?</b></p> <p>15 Q. From the time that Ms. Hendrix left</p> <p>16 until now.</p> <p>17 <b>A. I mean, there's -- I would assume</b></p> <p>18 <b>there's been positions available. I haven't</b></p> <p>19 <b>specifically went out there and looked those up.</b></p> <p>20 Q. Okay. So you don't have any specific</p> <p>21 knowledge of a specific position?</p> <p>22 <b>A. Off the top of my head, no.</b></p> <p>23 Q. That's fine.</p>




<p style="text-align: right;">Page 121</p> <p>1 <b>A. I'm just a little confused by that</b>  2 <b>question.</b>  3 Q. What facts do you have that CRC or  4 BB&amp;T made a good faith effort to comply with  5 federal and state laws as it relates to equal  6 compensation and opportunities for Ms. Hendrix?  7 MS. BARLOTTA: The same objections as  8 I had before, Trish. There's a specific --  9 MS. GILL: I'm just asking her the  10 facts, like what facts is she aware of -- what  11 efforts --  12 MS. BARLOTTA: If you have an  13 explanation about what good faith means, what  14 that means under the law as it relates to Title  15 VII. I mean, that's a specific legal term, and  16 you're asking her to --  17 Q. (BY MS. GILL:) Okay. Let me  18 rephrase my question. What efforts did CRC  19 take -- or BB&amp;T take to ensure Kathryn Hendrix  20 received equal pay and equal opportunities?  21 MS. BARLOTTA: Asked and answered.  22 Q. You can answer.  23 <b>A. So, I mean, based on the information</b></p>	<p style="text-align: right;">Page 123</p> <p>1 something?  2 Q. Did you review her pay?  3 MS. BARLOTTA: Did you review her pay  4 when she first sent that letter to benefits I  5 think is what she's asking you.  6 <b>A. Okay. No. I tried to reach out to</b>  7 <b>her to find out what her concerns were so I could</b>  8 <b>investigate.</b>  9 Q. Okay. When you saw the allegations  10 of the letter, or Ms. Palmer's letter or the EEOC  11 charge, did you review the hiring practices of  12 brokers and compare to see how many females were  13 placed in the broker position in the last few  14 years?  15 MS. BARLOTTA: Object to form.  16 You're asking if she personally did that.  17 MS. GILL: Yes.  18 THE WITNESS: Do I answer that?  19 Q. (BY MS. GILL:) Yes.  20 MS. BARLOTTA: You can answer if you  21 personally did that, but that information was  22 provided in our EEOC statement.  23 <b>A. My answer to that is what I testified</b></p>
<p style="text-align: right;">Page 122</p> <p>1 <b>we had at the time of her initial complaint in</b>  2 <b>September, her initial letter that she sent to</b>  3 <b>the legal group, based off of that letter, that's</b>  4 <b>the first knowledge that I had of the situation.</b>  5 <b>I made multiple attempts to reach</b>  6 <b>her. So we did what we were trying to do to find</b>  7 <b>out facts to be able to start an investigation on</b>  8 <b>the HR side. We were unable to do that.</b>  9 Q. Okay. Did you speak to her managers?  10 MS. BARLOTTA: Object to form. Asked  11 and answered.  12 Q. You can answer.  13 MS. BARLOTTA: She already testified  14 she talked to John Cadden. We're going over the  15 same testimony.  16 Q. Did you review her pay?  17 MS. BARLOTTA: Object to form. When?  18 Q. When she complained, did you review  19 her pay to see if it was fair?  20 MS. BARLOTTA: There is no allegation  21 in her letter about pay.  22 Q. Did you review her pay?  23 THE WITNESS: Did she -- did she say</p>	<p style="text-align: right;">Page 124</p> <p>1 <b>to earlier is that I made multiple attempts to</b>  2 <b>reach out to her. I was unable to do that.</b>  3 <b>As soon as we received the legal</b>  4 <b>letter, I turned it over to legal, and then</b>  5 <b>worked with them at that point forward.</b>  6 Q. Did you review the inside broker  7 positions, you or CRC or BB&amp;T or Truist, review  8 the inside -- the broker positions to determine  9 how many females were hired as a broker in the  10 past few years?  11 <b>A. So I think that falls under once it</b>  12 <b>became a legal matter.</b>  13 Q. Did you do that yourself? Did you  14 review to see if any females were hired as  15 brokers in the past few years?  16 <b>A. If I was asked to do that, I would</b>  17 <b>have done that.</b>  18 Q. Okay. Did you -- but you can't tell  19 me what you did or did not do?  20 <b>A. I can't remember specifically.</b>  21 Q. Okay. And do you know if CRC or BB&amp;T  22 reviewed the past hiring processes to determine  23 how many females were hired as brokers?</p>

<p>Page 125</p> <p>1 <b>A. Are you asking that related to this?</b></p> <p>2 Q. I'm asking -- yes.</p> <p>3 <b>A. If we were asked to do that, we would</b></p> <p>4 <b>have done that. I can't speak for what all was</b></p> <p>5 <b>done in this, because it -- I was doing what I</b></p> <p>6 <b>was asked to do at the direction of legal.</b></p> <p>7 Q. Okay. As you're sitting here today,</p> <p>8 do you know how many women and how many men were</p> <p>9 put in the broker -- are in the broker positions?</p> <p>10 <b>A. No, I don't know that off the top of</b></p> <p>11 <b>my head.</b></p> <p>12 MS. BARLOTTA: She's not designated</p> <p>13 to testify about that. Mr. Daugherty testified</p> <p>14 about all of the people within the new hire</p> <p>15 positions in the professional liability</p> <p>16 department.</p> <p>17 Q. You can answer. Do you know, if you</p> <p>18 know?</p> <p>19 MS. BARLOTTA: From your personal</p> <p>20 knowledge.</p> <p>21 <b>A. I do not personally know that</b></p> <p>22 <b>information off the top of my head.</b></p> <p>23 Q. And my understanding is as of today</p>	<p>Page 127</p> <p>1 <b>if there's information that we've gained that</b></p> <p>2 <b>would cause us to make that determination or not</b></p> <p>3 <b>at this point.</b></p> <p>4 Q. Okay. But my understanding is if CRC</p> <p>5 or BB&amp;T or Truist learns of information that</p> <p>6 would make her ineligible for rehire, then her</p> <p>7 status would change to ineligible for rehire; is</p> <p>8 that correct?</p> <p>9 MS. BARLOTTA: Object to form.</p> <p>10 <b>A. Yes.</b></p> <p>11 THE WITNESS: Sorry.</p> <p>12 Q. (BY MS. GILL:) I'm going to show you</p> <p>13 Plaintiff's Exhibit 20 and just ask you if you've</p> <p>14 seen this document before.</p> <p>15 (Whereupon, Plaintiff's Exhibit No.</p> <p>16 20 was marked for identification and a copy of</p> <p>17 same is attached hereto.)</p> <p>18 <b>A. Yes.</b></p> <p>19 MS. BARLOTTA: Trish -- Stefani, I</p> <p>20 don't know if you have seen this document before,</p> <p>21 so just make sure of that before you respond.</p> <p>22 Mr. Daugherty was designated to</p> <p>23 testify about these responses, because he's the</p>
<p>Page 126</p> <p>1 Ms. Hendrix is still listed as eligible for</p> <p>2 rehire; is that correct?</p> <p>3 MS. BARLOTTA: Object to form. Asked</p> <p>4 and answered.</p> <p>5 Q. You can answer.</p> <p>6 <b>A. As of today, to my knowledge, she's</b></p> <p>7 <b>in the system as rehire eligible.</b></p> <p>8 Q. Okay. And just to make sure I'm</p> <p>9 clear and correct, in order for her to become</p> <p>10 ineligible for rehire, the company would learn of</p> <p>11 some conduct, like a violation of the code of</p> <p>12 ethics or something that would make her</p> <p>13 ineligible; is that correct?</p> <p>14 MS. BARLOTTA: Object to form. Asked</p> <p>15 and answered.</p> <p>16 Q. You can answer.</p> <p>17 <b>A. Yes.</b></p> <p>18 Q. And so as of today, because she's</p> <p>19 still eligible for rehire, is it safe to say that</p> <p>20 CRC or BB&amp;T or Truist does not have a reason to</p> <p>21 render her ineligible for rehire as of today?</p> <p>22 MS. BARLOTTA: Object to form.</p> <p>23 <b>A. I would not say that -- I don't know</b></p>	<p>Page 128</p> <p>1 one who signed them. So anything she testifies</p> <p>2 about is going to be from her personal knowledge.</p> <p>3 MS. GILL: That's fine. She's</p> <p>4 already answered the question, but that's fine.</p> <p>5 Q. (BY MS. GILL:) Did you --</p> <p>6 <b>A. I was --</b></p> <p>7 MS. BARLOTTA: Hey, Stefani, make</p> <p>8 sure that when she shows you a document, that you</p> <p>9 flip through all of it before you start answering</p> <p>10 questions instead of just flashing the first</p> <p>11 page.</p> <p>12 THE WITNESS: Okay. Okay.</p> <p>13 Q. (BY MS. GILL:) Did you -- I'm going</p> <p>14 to ask my assistant counsel to scroll through it</p> <p>15 and let you look through it. So you can tell her</p> <p>16 to slow down if you need to.</p> <p>17 <b>A. I mean, it's actually small. I can't</b></p> <p>18 <b>really -- I mean, I can't see that.</b></p> <p>19 Q. Let's see if we can make it bigger.</p> <p>20 <b>A. Okay. I'm not sure that I have seen</b></p> <p>21 <b>this. I first thought this was just the original</b></p> <p>22 <b>part of the information that came in earlier or</b></p> <p>23 <b>if this was something that was provided later,</b></p>

<p style="text-align: right;">Page 129</p> <p>1 <b>I'm not sure if I've seen this.</b></p> <p>2 Q. Okay. It's questions that we issued</p> <p>3 to the defendant. And so my question to you is:</p> <p>4 Did you assist in preparing these answers?</p> <p>5 MS. BARLOTTA: And she may have</p> <p>6 provided information, but she may not have been</p> <p>7 aware that she was providing information</p> <p>8 specifically in response to these questions.</p> <p>9 MS. GILL: That's fine.</p> <p>10 Q. (BY MS. GILL:) If you know. Do you</p> <p>11 know if you helped with this?</p> <p>12 <b>A. I honestly don't know. I honestly</b></p> <p>13 <b>don't know.</b></p> <p>14 Q. Okay. Do you remember us requesting</p> <p>15 documents from the defendant, from CRC and BB&amp;T?</p> <p>16 MS. BARLOTTA: Object to form.</p> <p>17 Q. You can answer.</p> <p>18 <b>A. So are you asking me if stuff was</b></p> <p>19 <b>requested from me directly?</b></p> <p>20 Q. Well, we sent out a request for</p> <p>21 production of documents. Did you assist in</p> <p>22 compiling those documents in response to those</p> <p>23 requests?</p>	<p style="text-align: right;">Page 131</p> <p>1 that were served on counsel, and I think you're</p> <p>2 testifying about prior to when the lawsuit was</p> <p>3 filed.</p> <p>4 MS. GILL: She just testified that</p> <p>5 she produced information gathered from John and</p> <p>6 the group. So I'm just asking her what that</p> <p>7 information was, was it witness statements or --</p> <p>8 MS. BARLOTTA: Trish, your questions</p> <p>9 were about what she gathered in response to</p> <p>10 requests for production of documents, and that's</p> <p>11 what I'm trying to clarify. That's not what she</p> <p>12 said.</p> <p>13 MS. GILL: But I've changed my</p> <p>14 questioning since to cater to her answer. And so</p> <p>15 I'm just trying to ask her was that witness</p> <p>16 statements or was it documents.</p> <p>17 <b>A. So I guess I'm just a little bit</b></p> <p>18 <b>confused on when we're talking about</b></p> <p>19 <b>specifically. But when I said John and the</b></p> <p>20 <b>group, it would have been the conversation that I</b></p> <p>21 <b>had with John and Rusty and Corey.</b></p> <p>22 MS. BARLOTTA: At the direction of</p> <p>23 legal counsel; is that what you're talking about,</p>
<p style="text-align: right;">Page 130</p> <p>1 MS. BARLOTTA: If you know, Stefani.</p> <p>2 <b>A. Yeah, so I did assist with gathering</b></p> <p>3 <b>information I was instructed to help with.</b></p> <p>4 Q. Do you remember what documents you</p> <p>5 gathered?</p> <p>6 <b>A. I don't remember all of the</b></p> <p>7 <b>information.</b></p> <p>8 Q. Do you remember some of the</p> <p>9 information?</p> <p>10 <b>A. That would have been like the</b></p> <p>11 <b>handbook and the policies and then information</b></p> <p>12 <b>that I gathered from John and the group. But I</b></p> <p>13 <b>can't remember specifically every single thing</b></p> <p>14 <b>that I provided.</b></p> <p>15 Q. When you said information gathered</p> <p>16 from John and the group, are you talking about</p> <p>17 documentation or are you talking about</p> <p>18 statements?</p> <p>19 MS. BARLOTTA: Objection. I think</p> <p>20 she's -- she's -- Stefani, I think you're --</p> <p>21 she's talking about -- specifically, she's asking</p> <p>22 about requests for production of documents.</p> <p>23 That's something that's happened in the lawsuit</p>	<p style="text-align: right;">Page 132</p> <p>1 and Truist in-house counsel?</p> <p>2 THE WITNESS: Yes.</p> <p>3 Q. (BY MS. GILL:) And that's the issue</p> <p>4 that we're taking up with the judge, that</p> <p>5 conversation?</p> <p>6 <b>A. Uh-huh (positive response).</b></p> <p>7 Q. Okay. Any other conversations or</p> <p>8 documentation that you gathered that's not</p> <p>9 subject to our reserved issue that we're going to</p> <p>10 address with the judge?</p> <p>11 <b>A. If I'm understanding correctly, I</b></p> <p>12 <b>would have provided anything that legal would</b></p> <p>13 <b>have asked me to provide.</b></p> <p>14 Q. Did you personally search your</p> <p>15 mailbox for e-mails responsive to discovery?</p> <p>16 MS. BARLOTTA: Object to form. You</p> <p>17 need to explain what discovery is. I mean, I</p> <p>18 don't -- she doesn't --</p> <p>19 Q. In response to that request for</p> <p>20 production, did you personally search your own</p> <p>21 e-mail for anything that was responsive to those</p> <p>22 requests that we made?</p> <p>23 MS. BARLOTTA: I don't know that she</p>

<p>Page 133</p> <p>1 testified that she saw the request for 2 production. 3 Q. Okay. Did you search your e-mail for 4 any e-mails to produce in this case? 5 <b>A. If I would have been asked to do that 6 by legal, I would have. I don't remember if I 7 was asked at the time.</b> 8 Q. Okay. I'm going through my outline. 9 It looks like I've asked a lot of these 10 questions, so if you'll give me a second. 11 Has anyone else other than Ms. 12 Hendrix complained of unfair treatment by Clay 13 Segrest, Corey Daugherty, Rusty Hughes, or John 14 Cadden, or Ron Helveston? 15 <b>A. No.</b> 16 Q. Are you -- did you receive a 17 complaint from Sarah Dunston complaining of 18 unfair treatment in a male-dominated environment? 19 <b>A. No.</b> 20 Q. Did you receive a complaint from 21 Kristyn Smith that she did not get a bonus and 22 that she relied on that bonus? 23 MS. BARLOTTA: Object to form.</p>	<p>Page 135</p> <p>1 <b>A. No, I'm not aware.</b> 2 Q. Just a second. I'm looking over my 3 notes. I'm getting very close to being finished, 4 well, except for the reserved issues. 5 Do you have any information or 6 knowledge relating to how -- am I on mute? 7 Do you have any information or 8 knowledge as to how CRC requested updates to the 9 website? 10 <b>A. So they would have an internal 11 department that managed their website. I'm not 12 familiar with exactly what that process is, no.</b> 13 Q. Okay. So that has nothing to do with 14 HR? 15 <b>A. No.</b> 16 Q. And I guess what I'm asking, like if 17 a new person is hired or somebody is promoted and 18 the website needs to reflect that change, my 19 understanding of what you're telling me now is 20 that would be up to the departments -- the person 21 in that department to update it, not -- and that 22 department would be in CRC, not the HR? 23 <b>A. Correct. I'm telling you that HR is</b></p>
<p>Page 134</p> <p>1 <b>A. No, not that I'm aware of.</b> 2 Q. Have you received any sexual 3 harassment complaints against CRC? 4 MS. BARLOTTA: No, we're not going to 5 testify to that. 6 MS. GILL: Are you instructing the 7 witness not to answer? 8 MS. BARLOTTA: Yeah. Without 9 limiting it to this particular department where 10 the plaintiff worked and to the decisionmaker, 11 she can testify certainly about that. But a 12 companywide ask, it's outside the bounds of Rule 13 26. 14 MS. GILL: It's our position that it 15 goes towards defenses. And I guess that's 16 something else on the list that we will take up 17 with the Court. 18 Q. (BY MS. GILL:) Are you familiar with 19 Lauren Lindberg's complaints of anti-gay comments 20 being made to her in an e-mail? 21 MS. BARLOTTA: Object to form. 22 Assumes facts not in evidence. 23 Q. You can answer.</p>	<p>Page 136</p> <p>1 <b>not involved in that. I don't know what that 2 exact process is.</b> 3 Q. Does CRC have an HR department 4 on-site? 5 <b>A. No.</b> 6 Q. And I mean in the Birmingham office. 7 I apologize. I should have clarified that. In 8 Birmingham, is there an HR department? 9 <b>A. No.</b> 10 Q. Do other offices have their own HR 11 on-site? 12 <b>A. So HR for insurance is a function 13 that's provided by Truist in support of 14 insurance. But we're not sitting in those 15 individual offices.</b> 16 Q. Okay. Is there a liaison in 17 different offices other than Birmingham? 18 <b>A. So are you asking about -- 19 specifically about HR -- Truist HR employees 20 sitting in?</b> 21 Q. An HR manager or other -- yes, a 22 Truist or CRC person, HR manager sitting in other 23 offices other than Birmingham, like a point of</p>

<p>1 contact? <span style="float: right;">Page 137</span></p> <p>2 <b>A. So, okay. So that may be a different</b></p> <p>3 <b>question when you say point of contact.</b></p> <p>4 Q. Okay.</p> <p>5 <b>A. What do you mean by that?</b></p> <p>6 Q. Let's ask both questions then. Is</p> <p>7 there a point of contact in each of the</p> <p>8 individual offices other than Birmingham?</p> <p>9 <b>A. So a point of contact could be</b></p> <p>10 <b>somebody that is -- you know, somebody that's</b></p> <p>11 <b>been deemed as somebody that can help with</b></p> <p>12 <b>certain functions. That does not mean they're an</b></p> <p>13 <b>HR representative.</b></p> <p>14 <b>The HR structure is how I described</b></p> <p>15 <b>that before. They're not sitting in the</b></p> <p>16 <b>individual offices.</b></p> <p>17 Q. Is there a person in HR at the other</p> <p>18 locations?</p> <p>19 <b>A. So no, not in the individual offices,</b></p> <p>20 <b>not a Truist HR person, no.</b></p> <p>21 Q. When Kathryn Hendrix left CRC, what</p> <p>22 happened to the items contained in her desk and</p> <p>23 documents contained in her desk?</p>	<p>1 towards pretext, and that includes the searches <span style="float: right;">Page 139</span></p> <p>2 done. We also reserve the right to question</p> <p>3 about sexual harassment complaints in other</p> <p>4 departments.</p> <p>5 And we've put a call into the judge,</p> <p>6 and I understand that Rachel is objecting to that</p> <p>7 based on the attorney/client privilege, the work</p> <p>8 product privilege, and the anticipation of</p> <p>9 litigation privileges, but we put a call into the</p> <p>10 client -- into the judge, and are requesting her</p> <p>11 assistance.</p> <p>12 And I guess once we work that out, we</p> <p>13 can just reserve the right to reopen the</p> <p>14 deposition based on what the judge rules on those</p> <p>15 issues or tells us what to do.</p> <p>16 MS. BARLOTTA: Okay.</p> <p>17 MS. GILL: And that's all.</p> <p>18 MS. BARLOTTA: Okay, great.</p> <p>19 VIDEOGRAPHER: This concludes our</p> <p>20 deposition. The time is 2:23.</p> <p>21 THE REPORTER: Do you need a copy?</p> <p>22 MS. BARLOTTA: Yes, we do.</p> <p>23 THE REPORTER: And send the read and</p>
<p>1 <b>A. So I don't know specifically what</b> <span style="float: right;">Page 138</span></p> <p>2 <b>happened to items in her desk. She would have --</b></p> <p>3 <b>she turned in her equipment, her company</b></p> <p>4 <b>equipment.</b></p> <p>5 Q. Okay. So you don't know who cleaned</p> <p>6 out the papers and things in her actual cubicle?</p> <p>7 MS. BARLOTTA: Object to form.</p> <p>8 <b>A. I don't have awareness to that.</b></p> <p>9 MS. GILL: If you will give me a</p> <p>10 second to confer with co-counsel, I think I'm</p> <p>11 through with my outline, if that's okay. If we</p> <p>12 can take a short break. Thank you.</p> <p>13 VIDEOGRAPHER: We are off the record.</p> <p>14 The time is 2:05.</p> <p>15 (Whereupon, a brief recess was</p> <p>16 taken.)</p> <p>17 VIDEOGRAPHER: We are back on the</p> <p>18 record. The time is 2:22.</p> <p>19 MS. GILL: At this time I have</p> <p>20 finished my outline, but we do reserve the right</p> <p>21 to re-depose this witness as it relates to the</p> <p>22 facts unearthed in the investigation, because</p> <p>23 that information relates to several defenses and</p>	<p>1 sign to you? <span style="float: right;">Page 140</span></p> <p>2 MS. BARLOTTA: Yes, please.</p> <p>3 THE REPORTER: Okay. Thanks.</p> <p>4</p> <p>5</p> <p>6 FURTHER DEPONENT SAITH NOT</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

<p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF ALABAMA )</p> <p>4 JEFFERSON COUNTY )</p> <p>5</p> <p>6 I HEREBY CERTIFY that the above</p> <p>7 and foregoing transcript was taken down by me in</p> <p>8 stenotype, and the questions and answers thereto</p> <p>9 were transcribed by means of computer-aided</p> <p>10 transcription, and that the foregoing represents</p> <p>11 a true and correct transcript of the testimony</p> <p>12 given by said witness.</p> <p>13 I FURTHER CERTIFY that I am</p> <p>14 neither of counsel, nor of any relation to the</p> <p>15 parties to the action, nor am I anyway</p> <p>16 interested in the result of said cause.</p> <p>17</p> <p>18 </p> <p>19 /s/ Tanya D. Cornelius</p> <p>20 TANYA D. CORNELIUS, RPR</p> <p>21 ACCR #378 Expires 10/1/2023</p> <p>22 Notary Expires 9/13/26</p> <p>23</p>	

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